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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

A.D., C.C., L.G., and C.R., by CAROL
COGHLAN CARTER, and DR. RONALD
FEDERICI, their next friends;
S.H. and J.H., a married couple;
M.C. and K.C., a married couple;
K.R. and P.R., a married couple;
for themselves and on behalf of a class of
similarly-situated individuals,
Plaintiffs,

vs.

KEVIN WASHBURN, in his official
capacity as Assistant Secretary of Indian
Affairs, BUREAU OF INDIAN AFFAIRS;
SALLY JEWELL, in her official capacity as
Secretary of the Interior, U.S.
DEPARTMENT OF THE INTERIOR;
GREGORY A. McKAY, in his official
capacity as Director of ARIZONA
DEPARTMENT OF CHILD SAFETY,
Defendants.

No. CV-15-1259-PHX-NVW

**FIRST AMENDED CIVIL RIGHTS
CLASS ACTION COMPLAINT
FOR DECLARATORY,
INJUNCTIVE, AND OTHER
RELIEF**

INTRODUCTION

1. By honoring the moral imperatives enshrined in our Constitution, this nation has successfully shed much of its history of legally sanctioned discrimination on the basis of race or ethnicity. We have seen in vivid, shameful detail how separate treatment is inherently unequal. *Brown v. Board of Education*, 347 U.S. 483, 495 (1954). There can be no law under our Constitution that creates and applies pervasive separate and unequal treatment to individuals based on a quantum of blood tracing to a particular race or ethnicity. This country committed itself to that principle when it ratified the Fourteenth Amendment and overturned *Dred Scott v. Sandford*, 60 U.S. 393 (1857), and when it abandoned *Plessy v. Ferguson*, 163 U.S. 537 (1896).

2. In 1994 and again in 1996, Congress recognized that race and ethnicity should play no role in state-approved adoptions when it enacted the Multiethnic Placement Act, Pub. L. 103-382, §§ 551–553, *codified at* 42 U.S.C. § 5115a (1994), and the Interethnic Placement Act, Pub. L. 104-188, § 1808, *codified at* 42 U.S.C. §§ 671(a), 674(d), 1996b (1996), which forbid discrimination in adoptions and foster care placements.

3. Children with Indian ancestry, however, are still living in the era of *Plessy v. Ferguson*. Alone among American children, their adoption and foster care placements are determined not in accord with their best interests but by their ethnicity, as a result of a well-intentioned but profoundly flawed and unconstitutional federal law, the Indian Child Welfare Act (“ICWA”), *codified at* 25 U.S.C. §§ 1901–1963.

4. This civil rights class action is filed by Plaintiffs baby girl A.D., baby boy C.C., baby girl L.G., and baby boy C.R., by Carol Coghlan Carter and Dr. Ronald Federici, their next friends, and S.H. and J.H., foster/adoptive parents of baby girl A.D., M.C. and K.C., adoptive parents of baby boy C.C., and P.R. and K.R., foster/adoptive parents of baby girl L.G. and baby boy C.R. They file this action on behalf of themselves and all off-reservation Arizona-resident children with Indian ancestry and all off-reservation

1 Arizona-resident foster, preadoptive, and prospective adoptive parents in child custody
2 proceedings involving children with Indian ancestry.

3 5. They seek a declaration by this Court that certain provisions of ICWA, and
4 Guidelines issued by the Bureau of Indian Affairs (BIA), both facially and as applied,
5 violate the United States Constitution. They also seek an injunction from this Court against
6 the application of certain provisions of ICWA and the accompanying BIA Guidelines, and
7 nominal damages under Title VI of the Civil Rights Act (42 U.S.C. § 2000d–2000d-7).

8 **JURISDICTION AND VENUE**

9 6. This Court has subject matter jurisdiction under 28 U.S.C. § 1331.

10 7. This Court is authorized to grant declaratory and injunctive relief under 5
11 U.S.C. §§ 701 through 706, 28 U.S.C. §§ 2201 and 2202, 42 U.S.C. § 1983, Federal Rules
12 of Civil Procedure (“FRCP”) 57 and 65, and by the general and equitable powers of the
13 federal judiciary. This Court is authorized to grant nominal damages, and declaratory and
14 injunctive relief under Title VI of the Civil Rights Act (42 U.S.C. §§ 2000d–2000d-7).

15 8. Venue is proper under 28 U.S.C. § 1391(b), (e).

16 **PARTIES**

17 9. Plaintiff A.D. is a citizen of the United States and the State of Arizona, and
18 domiciled in the State of Arizona. Baby girl A.D. is approximately 1 year and 6 months
19 old. Baby girl A.D. is an enrolled member of the Gila River Indian Community, a
20 federally-recognized tribe. Parental rights of A.D.’s birth parents have already been
21 terminated by the state court properly having jurisdiction over the matter. Baby girl A.D.,
22 on information and belief, has more than 50% non-Indian blood.

23 10. Plaintiff C.C. is a citizen of the United States and the State of Arizona, and
24 domiciled in the State of Arizona. Baby boy C.C. is 5 years old. Baby boy C.C. is an
25 enrolled member of the Navajo Nation, a federally-recognized tribe. Parental rights of
26 C.C.’s birth parents were terminated by the state court properly having jurisdiction over
27 the matter. Adoption of C.C. by M.C. and K.C. was finalized by the state court properly
28

1 having jurisdiction over the matter in November, 2015. Baby boy C.C., on information
2 and belief, has more than 50% Hispanic blood.

3 11. Plaintiff L.G. is a citizen of the United States and of the State of Arizona,
4 and domiciled in the State of Arizona. Baby girl L.G. is approximately 3.5 years old.
5 Baby girl L.G., on information and belief, is not eligible for membership in the Pascua
6 Yaqui Tribe of Arizona, a federally-recognized tribe. Parental rights of L.G.'s birth
7 parents have not been terminated by the state court properly having jurisdiction over the
8 matter. Baby girl L.G., on information and belief, has more than 50% non-Indian blood.

9 12. Plaintiff C.R., baby girl L.G.'s half-sibling, is a citizen of the United States
10 and of the State of Arizona, and domiciled in the State of Arizona. Baby boy C.R. is
11 approximately 1.5 years old. Baby boy C.R., on information and belief, is eligible for
12 membership in and is a child of a member of, or is already an enrolled member of, the
13 Gila River Indian Community, a federally-recognized tribe. Parental rights of C.R.'s birth
14 parents have not been terminated by the state court properly having jurisdiction over the
15 matter. Baby boy C.R., on information and belief, has more than 50% non-Indian blood.

16 13. Carol Coghlan Carter is a citizen of the United States and the State of
17 Arizona, and domiciled in the State of Arizona. She is an attorney licensed to practice in
18 the State of Arizona. She has practiced in the area of family law for several decades. In
19 the course of her legal career, she has represented during all stages of child custody
20 proceedings children, including children with Indian ancestry as their court-appointed
21 guardian-ad-litem; birth parents, including birth parents with Indian ancestry; and
22 foster/adoptive parents, including foster/adoptive parents with Indian ancestry and those
23 in child custody proceedings involving children with Indian ancestry. She is "next friend"
24 to baby girl A.D., baby boy C.C., baby girl L.G., and baby boy C.R., and all off-reservation
25 children with Indian ancestry in the State of Arizona in child custody proceedings. *See*
26 FRCP 17(c).

27 14. Dr. Ronald Federici is a citizen of the United States and the State of Virginia,
28 and domiciled in the State of Virginia. He is a clinical neuropsychologist and clinical

1 psychopharmacologist. He has over two decades of experience completing complex
2 neuropsychiatric evaluations of adults and children. He is a professional consultant to
3 physicians, schools, mental health clinics, pediatric and adolescent medicine clinics. He
4 has served as an expert witness in child custody proceedings throughout the United States
5 and abroad. He conducts training and education in Clinical Neuropsychology throughout
6 the United States, and in Europe, Eastern Europe, United Kingdom, Australia, Canada,
7 Iceland, and China. He serves as President of the Care for Children International, Inc.,
8 which is a humanitarian aid organization providing medical care, supplies, training and
9 education to the Romanian Department of Child Protective Services. A short documentary
10 on Dr. Federici's work in Romania is available at
11 <https://www.youtube.com/watch?v=AC37HIWIP1I> (last visited February 18, 2016). He is
12 "next friend" to baby girl A.D., baby boy C.C., baby girl L.G., and baby boy C.R., and all
13 off-reservation children with Indian ancestry in the State of Arizona in child custody
14 proceedings. *See* FRCP 17(c).

15 15. Plaintiffs S.H. and J.H. are foster/preadoptive parents of baby girl A.D.
16 Plaintiffs S.H. and J.H., a married couple, are both citizens of the United States and the
17 State of Arizona, and are residents of and are domiciled in the State of Arizona. Neither
18 S.H. nor J.H. are enrolled members of a tribe or eligible for membership in an Indian tribe.
19 S.H. and J.H. are the only family baby girl A.D. has ever known as she was placed in
20 foster care with them since her birth. Their petition to adopt baby girl A.D. is pending
21 before the state court properly having jurisdiction over the matter.

22 16. Plaintiffs M.C. and K.C., a married couple, are both citizens of the United
23 States and the State of Arizona, and are residents of and are domiciled in the State of
24 Arizona. Neither M.C. nor K.C. are enrolled members of a tribe or eligible for membership
25 in an Indian tribe. M.C. and K.C. were foster parents to baby boy C.C. for approximately
26 four years. M.C. and K.C. adopted baby boy C.C. in November, 2015.

27 17. Plaintiffs K.R. and P.R. are foster parents of baby girl L.G. and baby boy
28 C.R. Plaintiffs K.R. and P.R., a married couple, are both citizens of the United States and

1 the State of Arizona, and are residents of and are domiciled in the State of Arizona. Neither
 2 K.R. nor P.R. are enrolled members of a tribe or eligible for membership in an Indian
 3 tribe. K.R. and P.R. are the only family baby boy C.R. has ever known as he was placed
 4 in foster care with them since birth. K.R. and P.R. have been foster parents to baby girl
 5 L.G. and baby boy C.R. for approximately 1.5 years and want to adopt L.G. and C.R.

6 18. Defendant Kevin Washburn is the Assistant Secretary of Indian Affairs of
 7 the Bureau of Indian Affairs (“BIA”). He has primary authority to enforce ICWA and the
 8 BIA Guidelines at issue. He is sued in his official capacity only.

9 19. Defendant Sally Jewell is the Secretary of the Interior, United States
 10 Department of the Interior. The Department of the Interior is the cabinet agency of which
 11 BIA is a part and which is assigned enforcement powers under ICWA and Title 25 of
 12 United States Code. She is sued in her official capacity only.

13 20. Defendant Gregory A. McKay is the Director of the Arizona Department of
 14 Child Safety (“DCS”). The Director has statutory duty under Ariz. Rev. Stat. (“A.R.S.”)
 15 § 8-451 *et seq.* to “protect children.” The Director is also required to “[e]nsure the
 16 department’s compliance with the Indian child welfare act of 1978 (P.L. 95-608; 92 Stat.
 17 3069; 25 United States Code §§ 1901 through 1963).” A.R.S. § 8-453(A)(20). He is sued
 18 in his official capacity only.

19 **FACTS COMMON TO ALL CLAIMS**

20 **I. Baby Girl A.D.**

21 21. DCS took baby girl A.D. into protective custody at birth as she was severely
 22 drug-exposed due to her biological mother’s ingestion of several controlled substances,
 23 and placed her with S.H. and J.H. They have taken care of baby girl A.D. ever since, and
 24 although she has some developmental delays due to her exposure to controlled substances,
 25 she has shown remarkable recovery from the deleterious effects of second-hand addiction
 26 under the loving care of S.H. and J.H.

27 22. A.D.’s biological mother named two possible birth fathers for baby girl A.D.
 28 Paternity tests on both ruled out the possibility that they were A.D.’s birth fathers.

1 Consequently, the state court severed parental rights of the birth mother and the absent
2 birth father.

3 23. S.H. and J.H., as foster parents, have taken care of baby girl A.D. since birth.
4 S.H. and J.H., along with their adopted son who has Indian ancestry, are the only family
5 that baby girl A.D. has ever known. The tribe sought in state court a transfer of the case
6 to tribal court. The state juvenile court denied the tribe's motion to transfer jurisdiction to
7 tribal court and the tribe appealed. That appeal is now pending in the Arizona Court of
8 Appeals Case No. JV16-0038. If the appellate court reverses the state trial court's decision
9 and their case is transferred to tribal court, it would force A.D., S.H. and J.H., who do not
10 have any contact with the tribal forum, to submit to that forum's jurisdiction over them.
11 Such transfer and the resulting exercise of jurisdiction, if successful, would be solely based
12 on baby girl A.D.'s race.

13 24. But for ICWA, A.D. would likely have been cleared for adoption by S.H.
14 and J.H. If they are awarded adoption, they are willing to provide and encourage
15 appropriate visitation and cultural acclimatization opportunities to A.D. DCS has and
16 continues to follow, implement, and support the position that ICWA and the BIA
17 Guidelines control all aspects of the state court child custody proceeding of A.D., S.H.,
18 and J.H., including but not limited to the provisions challenged here. In A.D.'s child
19 custody proceeding, all actions were taken and decisions reached because of A.D., S.H.,
20 and J.H.'s race.

21 **II. Baby Boy C.C.**

22 25. DCS took baby boy C.C. into protective custody when he was less than one
23 year old when his biological mother was convicted of a non-drug related felony. His birth
24 father is unknown. The birth mother is on record saying she supports baby boy C.C.'s
25 adoption by M.C. and K.C.

26 26. The Navajo Nation repeatedly proposed alternative ICWA-compliant
27 placements, all of which turned out to be inappropriate for placement of baby boy C.C.
28 Baby boy C.C.'s extended family members expressly declined to have him placed with

1 them. Other ICWA-compliant placements the tribe proposed also declined to have baby
2 boy C.C. placed with them. The tribe repeatedly asked for additional opportunities from
3 state court to find other ICWA-compliant placements. Consequently, baby boy C.C.
4 continuously remained in foster care with M.C. and K.C. for four years. M.C. and K.C.
5 were not able to file a petition for adoption until the state court declared that baby boy
6 C.C. is available for adoption and that there was good cause to deviate from ICWA's
7 adoption placement preferences.

8 27. Each time the tribe proposed an ICWA-compliant placement, pursuant to a
9 court-supervised and DCS-supported case plan, M.C. and K.C. had to drive each week
10 with baby boy C.C., sometimes over 100 miles, to visit with the proposed placement to
11 give baby boy C.C. an opportunity to bond with the proposed placement until that
12 placement became unavailable for any reason. Baby boy C.C. calls M.C. and K.C.
13 "mommy" and "daddy," but he was reminded by some proposed placements that M.C.
14 and K.C. are not his "mommy" and "daddy." This caused significant emotional and
15 psychological harm to baby boy C.C. who, through no fault of his own, had to leave the
16 security of his home and visit with strangers solely because he was born with Indian
17 ancestry.

18 28. Due to the application of ICWA, baby boy C.C. had languished in foster
19 care for approximately four years. But for ICWA, baby boy C.C. would have likely been
20 cleared for adoption by M.C. and K.C.

21 29. M.C. and K.C. were not granted intervention in the dependency matter of
22 C.C.

23 30. In November 2015, after this lawsuit was filed, the state court properly
24 having jurisdiction over the matter cleared C.C., with DCS and Navajo Nation consent,
25 for adoption by M.C. and K.C.

26 31. The Indian Child Welfare Act applied to all aspects of C.C.'s child custody
27 proceeding. All actions that delayed or denied C.C.'s adoption by M.C. and K.C. were
28

1 taken because of C.C., M.C., and K.C.'s race. DCS continued to follow, enforce and
2 support the application of ICWA in C.C.'s child custody proceeding.

3 **III. Baby Girl L.G. and Baby Boy C.R.**

4 32. L.G. and C.R. are siblings who have the same birth mother but different
5 birth fathers. L.G. was born in August, 2012, C.R. in August, 2014. During C.R.'s
6 pregnancy, the birth mother tested positive for several controlled substances. Baby boy
7 C.R. was born nine weeks premature, was drug-exposed when born, and spent three weeks
8 in a ventilator. He is determined to be medically fragile. In or about August 2014, DCS
9 took baby girl L.G. and baby boy C.R. into protective custody and placed the siblings in
10 the care of P.R. and K.R. Thus, DCS took L.G. into protective custody when she was about
11 2 years old; DCS took C.R. into protective custody at birth. P.R. and K.R. is the only
12 family that baby boy C.R. has ever known; L.G., on information and belief, lived with her
13 birth mother before she was placed in the care of P.R. and K.R. If they are awarded
14 adoption, P.R. and K.R. are willing to provide and encourage appropriate visitation and
15 cultural acclimatization opportunities to L.G. and C.R.

16 33. Both L.G. and C.R.'s birth fathers are known. On information and belief,
17 both are in federal prison on conviction for violent felonies. L.G. and C.R.'s birth mother
18 and maternal grandmother were arrested on charges of shoplifting. On information and
19 belief, the maternal grandmother was given a two-year prison sentence and the birth
20 mother is currently on probation.

21 34. L.G. and C.R.'s birth mother, on information and belief, is a member of the
22 Gila River Indian Community with 25% Indian blood.

23 35. After L.G. and C.R. were placed in the foster care of P.R. and K.R., L.G.'s
24 birth father, on information and belief, tried to obtain membership in the Pascua Yaqui
25 Tribe, a federally-recognized tribe, but was unable to obtain membership. Consequently,
26 L.G. is not eligible for membership in, nor is she a child of a member of, the Pascua Yaqui
27 Tribe. L.G. is also not eligible for membership in, nor is she a member of, the Gila River
28 Indian Community.

1 36. C.R.'s birth mother and birth father are members of the Gila River Indian
2 Community. C.R. is eligible for membership in, and is a child of a member of, the Gila
3 River Indian Community.

4 37. Initially, the case management plan for L.G. and C.R. was reunification with
5 their birth mother. Due to C.R.'s low birth weight and medical complications due to in-
6 utero exposure to controlled substances, DCS consented to, and the state court authorized,
7 one weekly 4-hour-long visit with the birth mother that is supervised by DCS employees.
8 In September 2015, the state court properly having jurisdiction over the child custody
9 proceeding, changed the case management plan to severance. The parental rights of L.G.
10 and C.R.'s birth parents have not been terminated.

11 38. Foster parents P.R. and K.R. are not party intervenors in the state child
12 custody proceeding of L.G. and C.R. Plaintiffs L.G., C.R., K.R. and P.R. do not have any
13 contacts or ties with any tribal forum.

14 39. The Gila River Indian Community has and will continue to propose
15 alternative ICWA-compliant homes for C.R. in the consolidated child custody proceeding
16 of L.G. and C.R. for the sole purpose of ensuring that C.R.'s child custody proceeding is
17 subject to ICWA and the BIA Guidelines. DCS has and continues to follow, implement,
18 and support the position that ICWA and the BIA Guidelines control all aspects of the state
19 court child custody proceeding of C.R., including but not limited to the provisions
20 challenged here.

21 40. L.G. has Indian ancestry but is not an "Indian child" within the meaning of
22 ICWA. However, she is discriminated against in her consolidated child custody
23 proceeding because her half-sibling, C.R., is an "Indian child" within the meaning of
24 ICWA. L.G. has known C.R. since birth, both share a strong sibling bond, and both
25 consider K.R. and P.R. as *de facto* and psychological parents. Both call K.R. and P.R. their
26 "mommy" and "daddy."

27 41. Arizona state policy, mandated by state law, is to place well-bonded siblings
28 with the same foster and adoptive parents. *See, e.g.*, A.R.S. § 8-513(D). But for ICWA

1 and the federal and state statutes and Guidelines that implement it, L.G. and C.R. would
2 be placed together due to their bonding and attachment, pursuant to state law.

3 42. The relevant state court properly having jurisdiction over the matter has not
4 declared L.G. and C.R. as available for adoption. L.G. and C.R. have continuously
5 remained in foster care with P.R. and K.R. for about one year and six months. P.R. and
6 K.R. cannot file a petition for adoption until the state court declares that L.G. and C.R. are
7 available for adoption and that there is good cause to deviate from ICWA's adoption
8 placement preferences.

9 43. Due to the application of ICWA, L.G. and C.R. have been languishing in
10 foster care for more than one and a half years. But for ICWA, they would likely have been
11 cleared for adoption by P.R. and K.R.

12 **IV. All Plaintiffs**

13 44. But for ICWA, a strong likelihood exists that these families – baby girl A.D.,
14 and her foster/preadoptive parents, S.H. and J.H., baby boy C.C., and his adoptive parents
15 M.C. and K.C., and L.G. and C.R., and their foster parents, K.R. and P.R. – would be
16 allowed to become permanent under race-neutral Arizona laws permitting individualized
17 race-neutral evaluation by state court of what is in the children's best interests. But under
18 ICWA, these families are subjected to different and more onerous procedural and
19 substantive provisions that are based solely on the race of the children and the adults
20 involved, which lead to severe disruption in their lives contrary to the children's best
21 interests.

22 45. In many instances, children subject to ICWA are removed from caring,
23 loving homes and forced into placements, which sometimes leads to abuse, psychological
24 harm, or even physical trauma and death.

25 46. In many instances, prospective adoptive parents who otherwise would be
26 allowed to adopt children they have raised since infancy and grown to love are deprived
27 of the opportunity to form permanent families as a result of ICWA.

28

47. In many instances, children are left in abusive or neglectful Indian families where they are subjected to grave physical or psychological harm as a result of ICWA.

48. Subjecting these children and families to ICWA creates delay and uncertainty in the journey to permanent family status, and the prospect and reality of displacement from stable, loving families causes great harm to children and great distress to prospective adoptive parents.

49. All named children and parent plaintiffs, and the members of the class they seek to represent, have in the past been, are currently, or in the course of their constantly evolving state court child custody proceedings will surely be, subject to the separate, unequal and substandard treatment under provisions of ICWA and the BIA Guidelines challenged here: 25 U.S.C. §§ 1911(b), 1912(d), 1912(e), 1912(f), 1915(b), 1915(a); BIA Guidelines, 80 Fed. Reg. 10146 (February 25, 2015), §§ A.2, A.3, B.1, B.2, B.4, B.8, C.1, C.2, C.3, D.2, D.3, F.1, F.2, F.3, F.4. Once a determination is made that a child is an “Indian child” within the meaning of ICWA, all of the provisions of ICWA and the BIA Guidelines challenged here inexorably become applicable to that child’s child custody proceeding beginning with DCS taking the child into protective custody up to and including either the finalization of the child’s adoption or the child’s reunification with birth family. DCS has and continues to follow, implement, and support the position that ICWA and the BIA Guidelines control all aspects of the state court child custody proceeding of Indian children, including but not limited to the provisions challenged here.

CLASS ALLEGATIONS

50. The named plaintiffs bring this lawsuit on behalf of themselves and a class of all off-reservation Arizona-resident children with Indian ancestry and all off-reservation non-Indian Arizona-resident foster, preadoptive, and prospective adoptive parents who are or will be in child custody proceedings involving a child with Indian ancestry and who are not members of the child's extended family.

51. The Arizona Department of Child Safety's semi-annual Report to the Governor for the period of April 1, 2015 through September 30, 2015, attached as Exhibit

1 to this Amended Complaint, and available at
2 [https://dcs.az.gov/sites/default/files/SEMIANNUAL-CHILD-WELFARE-](https://dcs.az.gov/sites/default/files/SEMIANNUAL-CHILD-WELFARE-REPORTING-REQUIREMENTS-4-15-9-15_FINAL-Revised.pdf)
3 [REPORTING-REQUIREMENTS-4-15-9-15_FINAL-Revised.pdf](https://dcs.az.gov/sites/default/files/SEMIANNUAL-CHILD-WELFARE-REPORTING-REQUIREMENTS-4-15-9-15_FINAL-Revised.pdf) (last visited March 2,
4 2016), reports that as of September 30, 2015 there were 1,506 American Indian children
5 in out-of-home care in Arizona. *Id.* at 42. The number of foster, preadoptive, and
6 prospective adoptive parents of these children is similarly numerous. Their identities are
7 easily ascertainable through DCS records that are not open for inspection to the public.
8 This putative class is so numerous that joinder of all members is impracticable. *See* FRCP
9 23(a)(1).

10 52. There are questions of law or fact common to the class, namely, the facial
11 and as-applied constitutionality of several provisions of ICWA and accompanying
12 Guidelines to the members of the class. *See* FRCP 23(a)(2).

13 53. The circumstances of baby girl A.D., S.H. and J.H., baby boy C.C., M.C.
14 and K.C. and baby girl L.G., baby boy C.R., P.R. and K.R., are typical of children with
15 Indian ancestry and other foster, preadoptive and prospective adoptive families of children
16 with Indian ancestry. *See* FRCP 23(a)(3).

17 54. The named plaintiffs will fairly and adequately protect the interests of the
18 class. *See* FRCP 23(a)(4).

19 55. Plaintiffs' attorneys are experienced in representing litigants before federal
20 courts. Plaintiffs' counsel include nationally recognized constitutional lawyers who have
21 litigated extensively at every level of the federal judiciary. Plaintiffs' attorneys are well
22 qualified to be appointed class counsel by this Court.

23 56. Separate actions by individual class members would create the risk of
24 inconsistent or incompatible standards of conduct for the defendants, and separate actions
25 by individual class members would substantially impair their ability to protect their
26 interests. *See* FRCP 23(b)(1).

57. Defendants have acted or refused to act on grounds that apply generally to the putative class. Thus, final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole. *See* FRCP 23(b)(2).

58. Questions of law or fact common to the members of the class predominate over questions affecting individual class members as individual class members are denied equal protection under the law and deprived of their constitutional rights. A class action is superior to other available methods for the fair and efficient adjudication of the controversy, inasmuch as the individual class members are deprived of the same rights. *See* FRCP 23(b)(3).

STATUTORY FRAMEWORK

I. Definitions

59. ICWA defines “Indian child” as “any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe” 25 U.S.C. § 1903(4). “Indian tribe” is also statutorily defined at 25 U.S.C. § 1903(8).

60. Most Indian tribes have only blood quantum or lineage requirements as prerequisites for membership. *See* Miss. Band of Choctaw Indians Const. art. III, § 1; Cherokee Nation Const. art. IV, § 1; Choctaw Nation of Okla. Const. art. II, § 1; Muscogee (Creek) Nation Const. art. III, § 2; Gila River Indian Community Const. art. III, § 1; Navajo Nation Code § 701; Guidelines for State Courts and Agencies in Indian Child Custody Proceedings, 80 Fed. Reg. 10146, 10153, B.3 (February 25, 2015) (“New Guidelines” or “BIA Guidelines”). Consequently, ICWA’s definition of “Indian child” is based solely on the child’s race or ancestry.

61. Some of the tribes consider individuals with only a tiny percentage of Indian blood to be Indian, even if they have little or no contact or connection with the tribe. *See, e.g.,* Cherokee Nation Const. art. IV, § 1.

62. Thus, in many instances, children with only a minute quantum of Indian blood and no connection or ties to the tribe are subject to ICWA and relegated to the tribe’s

1 exclusive or concurrent jurisdiction. *See, e.g., Nielson v. Ketchum*, 640 F.3d 1117, 1120
2 (10th Cir. 2011) (quoting Chapter 2, Section 11A of the Cherokee Nation Citizenship Act
3 which automatically admits a child as citizen of the Cherokee Nation at birth “for the
4 specific purpose of protecting the rights of the Cherokee Nation under the [ICWA]”
5 (brackets in original)).

6 63. The Guidelines for State Courts and Agencies in Indian Child Custody
7 Proceedings, 80 Fed. Reg. 10146, 10153, B.4(d)(iii) (February 25, 2015), state, “In the
8 event the child is eligible for membership in a tribe but is not yet a member of any tribe,
9 the agency should take the steps necessary to obtain membership for the child in the tribe
10 that is designated as the Indian child’s tribe.”

11 64. “Agency” is defined in the New Guidelines as “a private State-licensed
12 agency or public agency and their employees, agents or officials involved in and/or
13 seeking to place a child in a child custody proceeding.” 80 Fed. Reg. at 10151, A.2.

14 65. ICWA defines “child custody proceeding” to include “foster care
15 placement,” “termination of parental rights,” “preadoptive placement,” and “adoptive
16 placement.” 25 U.S.C. § 1903(1).

17 66. “Foster care placement” is defined as “any action removing an Indian child
18 from its parent or Indian custodian for temporary placement in a foster home or institution
19 or the home of a guardian or conservator where the parent or Indian custodian cannot have
20 the child returned upon demand, but where parental rights have not been terminated.” 25
21 U.S.C. § 1903(1)(i).

22 67. “Termination of parental rights” is defined as “any action resulting in the
23 termination of the parent-child relationship.” 25 U.S.C. § 1903(1)(ii).

24 68. “Preadoptive placement” is defined as “the temporary placement of an
25 Indian child in a foster home or institution after the termination of parental rights, but prior
26 to or in lieu of adoptive placement.” 25 U.S.C. § 1903(1)(iii).

69. “Adoptive placement” is defined as “the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.” 25 U.S.C. § 1903(1)(iv).

70. “Child custody proceeding,” as defined, “shall not include a placement based upon an act which, if committed by an adult, would be deemed a crime or upon an award, in a divorce proceeding, of custody to one of the parents.” 25 U.S.C. § 1903(1).

II. BIA Guidelines

71. The BIA first issued Guidelines in November of 1979. Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed. Reg. 67584 (November 26, 1979) (“Old Guidelines” or “1979 Guidelines”). On February 25, 2015, the BIA issued new Guidelines to “supersede and replace” the 1979 Guidelines. Guidelines for State Courts and Agencies in Indian Child Custody Proceedings, 80 Fed. Reg. 10146, 10147 (February 25, 2015) (“New Guidelines”, “2015 Guidelines”, or “BIA Guidelines”).

III. The Jurisdiction-Transfer Provision

72. ICWA requires state courts to “transfer” “foster care placement” or “termination of parental rights” “proceeding[s] to the jurisdiction of the tribe” of “an Indian child not domiciled or residing within the reservation of the Indian child’s tribe” “in the absence of good cause to the contrary,” and “absent objection by either parent,” if the “parent or the Indian custodian or the Indian child’s tribe” petitions for such transfer and the tribal court does not decline such transfer. 25 U.S.C. § 1911(b) (“jurisdiction-transfer provision”); 80 Fed. Reg. at 10156, C.2. The New Guidelines, however, state, “The right to request a transfer is available at *any stage* of an Indian *child custody proceeding*, including during any period of emergency removal.” 80 Fed. Reg. at 10156, C.1(c) (emphasis added).

73. Whereas ICWA’s jurisdiction-transfer provision is available to transfer only foster care placement and termination of parental rights proceedings to the jurisdiction of the tribe, the BIA, in the New Guidelines, extended the jurisdiction-transfer provision to all child custody proceedings.

1 74. “Good cause” to not transfer a foster care placement or termination of
2 parental rights proceeding to tribal court is not defined in ICWA. The New Guidelines,
3 however, state:

4 In determining whether good cause exists, the court may not
5 consider whether the case is at an advanced stage or whether
6 transfer would result in a change in the placement of the child
7 because the Act created concurrent, but presumptively, tribal
8 jurisdiction over proceedings involving children not residing
9 or domiciled on the reservation, and seeks to protect, not only
10 the rights of the Indian child as an Indian, but the rights of
11 Indian communities and tribes in retaining Indian children.
12 Thus, whenever a parent or tribe seeks to transfer the case it is
13 presumptively in the best interest of the Indian child,
14 consistent with the Act, to transfer the case to the jurisdiction
15 of the Indian tribe. [¶] In addition, in determining whether
16 there is good cause to deny the transfer, the court may not
17 consider: (1) The Indian child’s contacts with the tribe or
18 reservation; (2) Socio-economic conditions or any perceived
19 inadequacy of tribal or Bureau of Indian Affairs social
20 services or judicial systems; or (3) the tribal court’s
21 prospective placement for the Indian child.

22 80 Fed. Reg. at 10156, C.3(c)–(d).

23 75. Under uniform Arizona law, when deciding whether to transfer a foster care
24 placement or termination of parental rights proceeding to some other jurisdiction, an
25 Arizona state court “that has made a child custody determination” has “exclusive,
26 continuing jurisdiction over the determination until” either one of the two options is true:
27
28

1. A court of this state determines that neither the child, nor the child and one parent, nor the child and a person acting as a parent have a significant connection with this state and that substantial evidence is no longer available in this state concerning the child's care, protection, training and personal relationships.

2. A court of this state or a court of another state determines that the child, the child's parents and any person acting as a parent do not presently reside in this state.

A.R.S. § 25-1032(A).

76. Thus, while Arizona law looks at the litigants' contacts with the forum in deciding whether to transfer a foster care placement or termination of parental rights proceeding to some other jurisdiction, ICWA and the New Guidelines explicitly instruct courts to not take into account the litigants' contacts with the tribal forum.

77. The clear and convincing evidence standard is applied in Arizona to determine whether good cause exists to deviate from ICWA's *foster care placement preferences* of 25 U.S.C. § 1915(b). *Gila River Indian Community v. Department of Child Safety*, 363 P.3d 148 (2015). The state trial court in baby girl A.D.'s case, however, concluded that the same clear and convincing evidence standard must be met in order to establish good cause to deviate from ICWA's *jurisdiction-transfer provision*, 25 U.S.C. § 1911(b). *Contra Decker Coal Co. v. Commonwealth Edison Co.*, 805 F.2d 834, 839 (9th Cir. 1986) (proponent must establish personal jurisdiction or lack thereof by preponderance of the evidence).

IV. The Active Efforts Provision

78. Further, ICWA states that "[a]ny party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that *active efforts* have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful." 25 U.S.C. § 1912(d) (emphasis added) ("active efforts provision").

79. The New Guidelines state: "*Active efforts* are intended primarily to maintain and reunite an Indian child with his or her family or tribal community and constitute more

1 than reasonable efforts as required by Title IV-E of the Social Security Act (42 U.S.C.
2 671(a)(15)).... ‘Active efforts’ are separate and distinct from requirements of the Adoption
3 and Safe Families Act (ASFA), 42 U.S.C. 1305. ASFA’s exceptions to reunification
4 efforts do not apply to ICWA proceedings.” 80 Fed. Reg. at 10150–51, A.2 (emphasis in
5 original). The ASFA exceptions provide that the reasonable efforts provision is
6 *inapplicable* if there are “aggravated circumstances” such as “abandonment, torture,
7 chronic abuse, and sexual abuse.” 42 U.S.C. § 671(a)(15)(D). But because these
8 exceptions do not apply under the “active efforts” provision, active efforts are required to
9 be taken to reunify children deemed Indian with their family or members of the tribal
10 community even when the children were abandoned, tortured, chronically abused or
11 sexually abused by those individuals.

12 80. DCS, under the active efforts provision, is required to “[i]dentify[], notify[],
13 and invit[e] representatives of the Indian child’s tribe to participate” in the active efforts
14 to reunite the Indian child with the child’s “family” and “tribal community.” New
15 Guidelines, 80 Fed. Reg. at 10150, A.2.

16 81. DCS, under the active efforts provision, is required to “[t]ak[e] into account
17 the Indian child’s tribe’s prevailing social and cultural conditions and way of life” even in
18 situations where the child or the child’s parents have never been exposed to or followed
19 the tribe’s prevailing social and cultural conditions or way of life. *Id.* DCS is also required
20 “to assure cultural connections,” “[s]upport[] regular visits and trial home visits of the
21 Indian child during any period of removal,” and “[o]ffer[] and employ[] all available and
22 culturally appropriate family preservation strategies.” *Id.*

23 82. The New Guidelines provide details on when the requirement for active
24 efforts begins and what actions an agency and State court must take in order to determine
25 whether a child is an Indian child and how to comply with the active efforts requirement.
26 80 Fed. Reg. at 10152–153, A.3, B.1–B.2, B.4, B.8, D.2. The New Guidelines provide no
27 details on when the requirement for active efforts ends; consequently, the active efforts
28 provision remains applicable until the adoption is finalized. Additionally, the foster

1 placement preferences and adoption placement preferences require DCS to engage in
2 active efforts every time the tribe proposes a new ICWA-compliant placement.

3 83. The New Guidelines require DCS to “treat the child as an Indian child,
4 unless and until it is determined that the child is not a member or is not eligible for
5 membership in an Indian tribe,” “[i]f there is any reason to believe the child is an Indian
6 child.” 80 Fed. Reg. at 10152, A.3(d).

7 84. The New Guidelines require DCS to engage in active efforts “from the
8 moment the possibility arises that ... the Indian child [will] be placed outside the custody
9 of either parent or Indian custodian” and also “while investigating” whether ICWA applies
10 to a particular child. 80 Fed. Reg. at 10152, B.1(a)–(b).

11 85. If a child is suspected to be an Indian child, DCS may be required to provide
12 “[g]enograms or ancestry charts for both parents, ... maternal and paternal grandparents
13 and great grandparents or Indian custodians; birthdates; ... tribal affiliation including all
14 known Indian ancestry for individuals listed on the charts[.]” New Guidelines, 80 Fed.
15 Reg. at 10152, B.2(b)(1)(i).

16 86. “In the event the child is eligible for membership in a tribe but is not yet a
17 member of any tribe,” the New Guidelines require DCS to “take the steps necessary to
18 obtain membership for the child in the tribe that is designated as the Indian child’s tribe.”
19 80 Fed. Reg. at 10153, B.4(d)(iii).

20 87. In emergency removal situations where DCS “knows or has reason to know”
21 that a child is an Indian child, DCS is required to “[t]reat the child as an Indian child until
22 the court determines that the child is not an Indian child.” New Guidelines, 80 Fed. Reg.
23 at 10155, B.8(c)(1).

24 88. Pursuant to 42 U.S.C. § 671(a)(15), as amended by ASFA, the “reasonable
25 efforts” standard is pervasive under Arizona Law. *See, e.g.*, A.R.S. §§ 8-513 (foster care
26 placement), 8-522 (dependency actions), 8-825 (preliminary protective hearing), 8-829
27 (same), 8-843 (initial dependency hearing), 8-845 (dependency determination), 8-846
28 (same), 8-862 (permanency hearing).

89. Whereas “active efforts” are required not only to “maintain and reunite an Indian child with his or her family” but also with the child’s “tribal community,” New Guidelines, 80 Fed. Reg. at 10150, A.2, “reasonable efforts” under Arizona law are required only to maintain and reunite the child with the child’s family. *See, e.g.*, A.R.S. § 8-522(E)(3).

90. Arizona DCS applies the active efforts provision to children with Indian ancestry, and the “reasonable efforts” provision to all other children. The New Guidelines explicitly state that the active efforts provision is “more than” the reasonable efforts provision. Consequently, children with Indian ancestry are singled out and afforded separate, unequal treatment resulting in delayed resolution of child custody proceedings of children with Indian ancestry, based solely on their race.

V. Burden of Proof in Foster Care Placement Orders

91. ICWA further requires that “No foster care placement may be ordered in [an involuntary] proceeding in the absence of a determination, supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.” 25 U.S.C. § 1912(e).

92. The New Guidelines state: “The court may not issue an order effecting a foster care placement of an Indian child unless clear and convincing evidence is presented, including the testimony of one or more qualified expert witnesses, demonstrating that the child’s continued custody with the child’s parents or Indian custodian is likely to result in serious harm to the child.” 80 Fed. Reg. at 10156, D.3(a).

93. The clear and convincing evidence standard is applied in Arizona to determine whether good cause exists to deviate from ICWA’s foster care placement preferences. *Gila River Indian Community v. Department of Child Safety*, 363 P.3d 148 (2015).

94. Under Arizona law, to take a child into temporary custody, there must be a showing that “reasonable grounds exist to believe that temporary custody is clearly

necessary to protect the child from suffering abuse or neglect” and that “probable cause exists to believe” that, inter alia, the child is or will imminently become a victim of abuse or neglect, or is suffering from serious physical or emotional injury. A.R.S. § 8-821(A)–(B); § 8-824(F) (“The petitioner has the burden of presenting evidence as to whether there is probable cause to believe that continued temporary custody is clearly necessary to prevent abuse or neglect pending the hearing on the dependency petition”); A.R.S. § 8-843 (“reasonable efforts” standard in initial dependency hearings); A.R.S. § 8-844 (“preponderance of the evidence” standard in dependency adjudication hearings).

95. Thus, ICWA requires a showing of clear and convincing evidence whereas Arizona law requires a showing of “reasonable grounds,” “probable cause,” “reasonable efforts,” or “preponderance of the evidence” at various stages of proceedings leading to foster care placement of children. Consequently, ICWA’s higher burden of proof requires DCS to disregard to a greater extent the safety and security of children with Indian ancestry based solely on the race of these children.

VI. Burden of Proof in Termination of Parental Rights Orders

96. ICWA requires that “No termination of parental rights may be ordered in [an involuntary] proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.” 25 U.S.C. § 1912(f).

97. The New Guidelines state: “The court may not order a termination of parental rights unless the court’s order is supported by evidence beyond a reasonable doubt, supported by the testimony of one or more qualified expert witnesses, that continued custody of the child by the parent or Indian custodian is likely to result in serious harm to the child.” 80 Fed. Reg. at 10156, D.3(b).

98. Under Arizona law, “Arizona’s statutes require that the party seeking termination of parental rights establish only the statutory grounds of section 8-533 by clear and convincing evidence and establish the best interests of the child by a preponderance

of the evidence.” *Kent K. v. Bobby M.*, 110 P.3d 1013, 1018 (Ariz. 2005) (interpreting A.R.S. §§ 8-533, 8-537).

99. Thus, ICWA requires a showing of beyond a reasonable doubt whereas Arizona law requires use of the clear and convincing evidence standard in termination of parental rights proceedings. Consequently, ICWA’s higher burden of proof, which explicitly does not take into account the best interests of the child, places greater burdens on children with Indian ancestry than does Arizona law uniformly applied to all other children. This separate, unequal treatment of children with Indian ancestry is based solely on the child’s race.

VII. Foster/Preadoptive Care Placement Preferences

100. Under ICWA:

In any foster care or preadoptive placement, a preference shall be given, *in the absence of good cause to the contrary*, to a placement with—

- (i) a member of the Indian child’s extended family;
- (ii) a foster home licensed, approved, or specified by the Indian child’s tribe;
- (iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child’s needs.

25 U.S.C. § 1915(b) (emphasis added).

101. The New Guidelines state:

The agency seeking a preadoptive, adoptive or foster care placement of an Indian child *must always follow* the placement preferences. If the agency determines that any of the preferences cannot be met, the agency must demonstrate through clear and convincing evidence that a diligent search has been conducted to seek out and identify placement options that would satisfy the placement preferences specified in sections F.2 or F.3 of these guidelines, and explain why the preferences could not be met.

80 Fed. Reg. at 10157, F.1(b) (emphasis added).

102. Although “good cause” to not apply the foster care placement preferences is not defined in ICWA, the New Guidelines state:

(a) If any party asserts that good cause not to follow the placement preferences exists, the reasons for such belief or assertion must be stated on the record or in writing and made available to the parties to the proceeding and the Indian child's tribe.

(b) The party seeking departure from the preferences bears the burden of proving by clear and convincing evidence the existence of "good cause" to deviate from the placement preferences.

(c) A determination of good cause to depart from the placement preferences must be based on one or more of the following considerations:

(1) The request of the parents, if both parents attest that they have reviewed the placement options that comply with the order of preference.

(2) The request of the child, if the child is able to understand and comprehend the decision that is being made.

(3) The extraordinary physical or emotional needs of the child, such as specialized treatment services that may be unavailable in the community where families who meet the criteria live, as established by testimony of a qualified expert witness; provided that extraordinary physical or emotional needs of the child does not include ordinary bonding or attachment that may have occurred as a result of a placement or the fact that the child has, for an extended amount of time, been in another placement that does not comply with the Act. *The good cause determination does not include an independent consideration of the best interest of the Indian child* because the preferences reflect the best interests of an Indian child in light of the purposes of the Act.

(4) The unavailability of a placement after a showing by the applicable agency in accordance with section F.1, and a determination by the court that active efforts have been made to find placements meeting the preference criteria, but none have been located. For purposes of this analysis, a placement may not be considered unavailable if the placement conforms to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(d) The court should consider only whether a placement in accordance with the preferences meets the physical, mental and emotional needs of the child; and may not depart from the preferences based on the socio-economic status of any placement relative to another placement.

80 Fed. Reg. at 10158, F.4 (emphasis added).

103. The standard applied to all other children in Arizona is markedly different from the standard applied to children with Indian ancestry. For foster care placements, Arizona courts look at whether there was reasonable evidence to find that placing a child with the foster family instead of an extended family member was in the child's "best

interests.” *Antonio M. v. Ariz. Dept. of Econ. Sec.*, 214 P.3d 1010, 1012 (Ariz. App. 2009). Courts in such situations also give weight to the fact that “the foster parents wished to adopt [the child].” *Id. See also Antonio P. v. Ariz. Dept. of Econ. Sec.*, 187 P.3d 1115, 1117 (Ariz. App. 2008) (analyzing what is in the child’s best interest in foster care placements and giving weight to the fact that the child had an “undeniabl[y]” “longer relationship” with one placement than with the other).

VIII. Adoption Placement Preferences

104. Under ICWA,

In any adoptive placement of an Indian child under State law, a preference shall be given, *in the absence of good cause to the contrary*, to a placement with
 (1) a member of the child’s extended family;
 (2) other members of the Indian child’s tribe; or
 (3) other Indian families.

25 U.S.C. § 1915(a).(emphasis added).

105. The New Guidelines require state courts to follow ICWA’s adoption placement preferences. 80 Fed. Reg. at 10157, F.1(b) (“The agency seeking a[n] ... adoptive ... placement of an Indian child *must always follow* the placement preferences”) (emphasis added).

106. Although “good cause” to not apply the adoption placement preferences is not defined in ICWA, the New Guidelines, as reproduced above, specifically state that the “good cause determination does not include an independent consideration of the best interest of the Indian child because the preferences reflect the best interests of an Indian child in light of the purposes of the Act.” 80 Fed. Reg. at 10158, F.4.

107. Due to the mandatory language of the New Guidelines, there is an inherent conflict between the duty of DCS, an “agency” within the meaning of the New Guidelines, to “protect children” and its application of ICWA to children with Indian ancestry.

108. The placement preferences, as applied under the New Guidelines, do not look to the interests-of-the-child factors that state courts have traditionally applied in entering foster care placement, preadoption and adoption orders, and thereby deprive

1 children with Indian ancestry of an individualized race-neutral determination that all other
2 children enjoy under state law.

3 109. States cannot disregard a child's unique background in making an
4 individualized and race-neutral foster, preadoptive or adoptive assessment, and in
5 terminating parental rights. But the states cannot also turn a blind eye to the child's safety,
6 security and best interests based solely on the child's or the adults' race, for such action is
7 necessarily based on inherently demeaning, stereotypical assumptions about an
8 individual's race or culture. Although the court did not reach constitutional issues, a core
9 premise of the Baby Veronica decision, *Adoptive Couple v. Baby Girl*, __ U.S. __, 133 S.
10 Ct. 2552 (2013), was that ICWA cannot force a child to create a racially-conforming
11 relationship and that a child should not be made to sever existing relationships in order to
12 create new racially-conforming ones.

13 CLAIMS FOR RELIEF

14 COUNT 1 – VIOLATION OF THE EQUAL PROTECTION GUARANTEE OF 15 THE FIFTH AMENDMENT

16 110. Plaintiffs reallege, adopt and incorporate by reference the preceding
17 paragraphs as though fully set forth herein.

18 111. The jurisdiction-transfer provision, 25 U.S.C. § 1911(b), New Guidelines at
19 §§ C.1, C.2, C.3, is based solely on the race of the child and the adults involved.

20 112. The active efforts provision, 25 U.S.C. § 1912(d), New Guidelines at §§
21 A.2, A.3, B.1, B.2, B.4, B.8, D.2, creates a separate set of procedures for children with
22 Indian ancestry and all other children based solely on the child's race.

23 113. The clear and convincing evidence burden of proof in foster care placement
24 orders under ICWA, 25 U.S.C. § 1912(e), New Guidelines at § D.3, that is applicable to
25 children with Indian ancestry as compared to Arizona's demonstrably lesser burden of
26 proof that is applicable to all other children is a legally required, unequal treatment of
27 children with Indian ancestry. Government cannot treat the safety and security of children
28 with Indian ancestry less seriously than the safety and security of all other children.

114. The beyond a reasonable doubt burden of proof in termination of parental rights proceedings under ICWA, 25 U.S.C. § 1912(f), New Guidelines at § D.3, that is applicable to children with Indian ancestry as compared to Arizona's demonstrably lesser burden of proof that is applicable to all other children is a legally required separate, unequal treatment of children with Indian ancestry. Government cannot treat the best interests of children with Indian ancestry differently and less seriously than those of all other children.

115. The foster/preadoptive and adoption placement preferences under ICWA, 25 U.S.C. §§ 1915(b), (a), New Guidelines at §§ F.1, F.2, F.3, F.4, single out and treat differently children with Indian ancestry. They also single out and treat differently the non-Indian adults involved in the care and upbringing of children with Indian ancestry.

116. The jurisdiction-transfer provision, active efforts provision, burden of proof in foster care placement orders provision, burden of proof in termination of parental rights orders provision, foster/preadoptive care placement preferences provision, and the adoption placement preferences provision of ICWA, and New Guidelines, all subject Plaintiffs to unequal treatment under the law based solely on the race of the child and the adults involved and are therefore unconstitutional under the equal protection guarantee of the Fifth Amendment.

117. Because the foregoing provisions of ICWA and the New Guidelines do not serve a compelling governmental purpose in a narrowly tailored fashion, they violate the equal protection guarantee of the Fifth Amendment.

COUNT 2 – VIOLATION OF THE DUE PROCESS GUARANTEE OF THE FIFTH AMENDMENT

118. Plaintiffs reallege, adopt and incorporate by reference the preceding paragraphs as though fully set forth herein.

119. The jurisdiction-transfer provision forces Plaintiffs to submit to the personal jurisdiction of a forum with which they have no contacts or ties.

1 120. The jurisdiction-transfer provision, 25 U.S.C. § 1911(b), New Guidelines at
2 §§ C.1, C.2, C.3, disregards well-established Supreme Court pronouncements which
3 require minimum contacts between the forum and the litigant for the forum to
4 constitutionally exercise specific or general personal jurisdiction over the litigant, and are
5 therefore, unconstitutional under the due process guarantee of the Fifth Amendment. *See*
6 *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945); *World-Wide Volkswagen Corp. v.*
7 *Woodson*, 444 U.S. 286 (1980); *Helicopteros Nacionales de Colombia v. Hall*, 466 U.S.
8 408 (1984); *Asahi Metal Industry Co. v. Superior Court*, 480 U.S. 102 (1987).

9 121. Every child and adult deserves an individualized, race-neutral determination
10 under uniform standards when courts make foster/preadoptive care and adoption
11 placement decisions. Every child and adult has a right to be free from the use of race in
12 their individualized foster/preadoptive care and adoption placement decisions. ICWA's
13 jurisdiction-transfer provision, 25 U.S.C. § 1911(b), active efforts provision, 25 U.S.C. §
14 1912(d), foster care burden of proof, 25 U.S.C. § 1912(e), termination of parental rights
15 burden of proof, 25 U.S.C. § 1912(f), foster/preadoptive care placement preferences
16 provision, 25 U.S.C. § 1915(b), the adoption placement preferences provision, 25 U.S.C.
17 § 1915(a), and New Guidelines at §§ A.2, A.3, B.1, B.2, B.4, B.8, C.1, C.2, C.3, D.2, D.3,
18 F.1, F.2, F.3, F.4, violate the substantive due process rights of children with Indian
19 ancestry, and those of adults involved in their care and upbringing who have an existing
20 family-like relationship with the child. *See Troxel v. Granville*, 530 U.S. 57, 88 (2000)
21 (Stevens, J., dissenting); *Roberts v. U.S. Jaycees*, 468 U.S. 609, 618 (1984); *Smith v. Org.*
22 *of Foster Families for Equality & Reform*, 431 U.S. 816, 844 (1977); *In re Santos Y.*, 92
23 Cal. App. 4th 1274, 1314–1317 (Cal. App. 2001); *In re Bridget R.*, 41 Cal. App. 4th 1483,
24 1503–1504 (Cal. App. 1996); *In re Jasmon O.*, 878 P.2d 1297, 1307 (Cal. 1994).

25 122. Any determination regarding removal of a child from home, active efforts,
26 termination of parental rights, foster care placement, or adoption placement must take into
27 account the child's best interests. The failure of ICWA as applied by the BIA Guidelines
28

1 to adequately consider the child's best interests deprives the class of plaintiff children of
2 liberty without due process of law in violation of the Fifth Amendment.

3 **COUNT 3 – VIOLATION OF THE SUBSTANTIVE DUE PROCESS AND**
4 **EQUAL PROTECTION CLAUSES OF THE FOURTEENTH AMENDMENT**

5 123. Plaintiffs reallege, adopt and incorporate by reference the preceding
6 paragraphs as though fully set forth herein.

7 124. Defendant McKay, pursuant to his statutory duty to "[e]nsure the
8 department's compliance with the Indian child welfare act," A.R.S. § 8-453(A)(20),
9 complies with and enforces provisions of the Indian Child Welfare Act in Arizona.

10 125. Defendant McKay complies with and enforces the active efforts provision,
11 25 U.S.C. § 1912(d), New Guidelines at §§ A.2, A.3, B.1, B.2, B.4, B.8, D.2, in Arizona.

12 126. Defendant McKay complies with and enforces the clear and convincing
13 evidence burden of proof in foster care placements under ICWA, 25 U.S.C. § 1912(e),
14 New Guidelines at § D.3, in Arizona.

15 127. Defendant McKay complies with and enforces the beyond a reasonable
16 doubt burden of proof in termination of parental rights proceedings under ICWA, 25
17 U.S.C. § 1912(f), New Guidelines at § D.3, in Arizona.

18 128. Defendant McKay complies with and enforces the foster/preadoptive and
19 adoptive placement preferences under ICWA, 25 U.S.C. § 1915(b), (a), New Guidelines
20 at §§ F.1, F.2, F.3, F.4, A.R.S. §§ 8-105.01(B), 8-514(C), in Arizona.

21 129. Defendant McKay's compliance with and enforcement of these provisions
22 subjects Plaintiffs to unequal treatment under color of state and federal law based solely
23 on the race of the child and the adults involved and therefore deprives Plaintiffs of equal
24 protection of the law under the Equal Protection Clause of the Fourteenth Amendment.
25 *See* 42 U.S.C. § 1983.

26 130. Defendant McKay's compliance with and enforcement of the jurisdiction-
27 transfer provision, active efforts provision, burden of proof in foster care placements
28 provision, burden of proof in termination of parental rights proceedings provision,

1 foster/preadoptive and adoptive placement preferences provisions under state law, ICWA,
 2 and New Guidelines, violate the substantive due process rights to be free from the use of
 3 race in child custody proceedings and to an individualized race-neutral determination in
 4 child custody proceedings of children with Indian ancestry, and those of adults involved
 5 in their care and upbringing who have an existing family-like relationship with the child.
 6 Defendant McKay's failure to adequately consider the child's best interests deprives the
 7 class of plaintiff children of liberty without due process of law in violation of the
 8 Fourteenth Amendment. *See* 42 U.S.C. § 1983.

9 **COUNT 4 – THE INDIAN CHILD WELFARE ACT EXCEEDS THE FEDERAL**
 10 **GOVERNMENT'S POWER UNDER THE INDIAN COMMERCE CLAUSE AND**
 11 **THE TENTH AMENDMENT.**

12 131. Plaintiffs reallege, adopt and incorporate by reference the preceding
 13 paragraphs as though fully set forth herein.

14 132. ICWA exceeds the federal government's power under the Indian Commerce
 15 Clause and the Tenth Amendment. A child with Indian ancestry is not an item of
 16 commerce, nor an instrumentality of commerce, nor tangible personal property the
 17 possession of which by federally-recognized Indian tribes promotes "Indian self-
 18 government." *Morton v. Mancari*, 417 U.S. 535, 555 (1974). Nor is a federal law dealing
 19 with child custody proceedings "tied rationally to the fulfillment of Congress' unique
 20 obligation toward the Indians." *Id.*; *Rice v. Cayetano*, 528 U.S. 495 (2000). Indeed, the
 21 BIA and the Department of the Interior's position is that "ICWA and these regulations or
 22 any associated Federal guidelines do not apply to ... [t]ribal court proceedings[.]" Notice
 23 of Proposed Rulemaking, Regulations for State Courts and Agencies in Indian Child
 24 Custody Proceedings, 80 Fed. Reg. 14880, 14887, § 23.103(e) (March 20, 2015); New
 25 Guidelines, 80 Fed. Reg. at A.3(e) (same). *See Adoptive Couple v. Baby Girl*, __ U.S. __,
 133 S. Ct. 2552, 2566–2570 (2013) (Thomas, J., concurring).

26 133. Congress cannot commandeer state resources to achieve federal policy
 27 objectives or commandeer state officers to execute federal laws. *Printz v. United States*,
 28 521 U.S. 898 (1997). ICWA impermissibly commandeers state courts and state agencies

1 to act as investigative and adjudicatory arms of the federal government or Indian tribes.
 2 ICWA impermissibly commandeers state courts and state agencies to apply, enforce, and
 3 implement an unconstitutional federal law. *Dodds v. Richardson*, 614 F.3d 1185, 1195–
 4 1196 & n.3 (10th Cir. 2010); Ariz. Const. art. II, § 3.

5 134. Child custody proceedings and domestic relations matters are a “virtually
 6 exclusive province of the States” under the Tenth Amendment upon which the federal
 7 government cannot intrude. *Sosna v. Iowa*, 419 U.S. 393, 404 (1975).

8 135. ICWA displaces inherent state jurisdiction over specified child welfare,
 9 custody, and adoption proceedings and therefore violates the Tenth Amendment. *Adoptive*
 10 *Couple v. Baby Girl*, 133 S. Ct. at 2566 (Thomas, J., concurring).

11 **COUNT 5 – VIOLATION OF ASSOCIATIONAL FREEDOMS UNDER THE** 12 **FIRST AMENDMENT**

13 136. Plaintiffs reallege, adopt and incorporate by reference the preceding
 14 paragraphs as though fully set forth herein.

15 137. By virtue of ICWA, the tribes make the primary determination whether
 16 children with a specified blood quantum will be brought within their jurisdiction, custody,
 17 and control.

18 138. Many children who are subject to ICWA have few, if any, ties to the tribe
 19 upon which ICWA confers jurisdiction over them. Some but not all are members of the
 20 tribes but do not thereby consent to surrender their constitutional rights. Some are enrolled
 21 in the tribes as a result of the mandates of ICWA and the New Guidelines. Others are not
 22 members and have virtually no connection to the tribes other than a prescribed blood
 23 quantum. *See* New Guidelines, 80 Fed. Reg. at 10153, B.4(d)(3).

24 139. By operation of the provisions of ICWA and the New Guidelines challenged
 25 here, Plaintiff children like baby girl A.D. and baby boy C.R. are forced to associate with
 26 tribes and tribal communities and be subject to tribal jurisdiction often against their will
 27 and/or contrary to their best interests. *See id.* at 10150, A.2 (active efforts required to
 28 reunify an Indian child not only with the child’s family but also with the child’s tribe).

140. Under the active efforts provision, DCS is required to “take steps necessary to obtain membership for the child in the tribe that is designated as the Indian child’s tribe.” 80 Fed. Reg. at 10153, B.4(d)(iii). DCS, thus, forces children deemed Indian to associate with and become members of federally-recognized Indian tribes.

141. This forced association violates Plaintiffs’ freedom of association, which encompasses the freedom not to associate under the First Amendment. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000); *Knox v. Service Employees Int’l Union, Local 1000*, __ U.S. __, 132 S. Ct. 2277 (2012).

COUNT 6 – UNLAWFUL AGENCY ACTION

142. Plaintiffs reallege, adopt and incorporate by reference the preceding paragraphs as though fully set forth herein.

143. Whereas ICWA’s jurisdiction-transfer provision is available to transfer only foster care placement and termination of parental rights proceedings to the jurisdiction of the tribe, 25 U.S.C. § 1911(b), the New Guidelines state, “The right to request a transfer is available at *any stage* of an Indian *child custody proceeding*, including during any period of emergency removal.” 80 Fed. Reg. at 10156, C.1(c) (emphasis added). Further, the New Guidelines instruct state courts that they “must transfer” all child custody proceedings if the parent does not object to the transfer, the tribal court does not decline, and there is no good cause to deny transfer. New Guidelines, 80 Fed. Reg. 10156, C.2, C.3.

144. BIA’s enlargement of the jurisdiction-transfer provision, 25 U.S.C. § 1911(b), New Guidelines at C.1, C.2, C.3, making the provision available during preadoptive placement and adoptive placement proceedings, clearly contradicts the statutory provision. *See* 25 U.S.C. § 1903(1) (definitions).

145. BIA overstepped its authority by extending, in the New Guidelines, the jurisdiction-transfer provision to all child custody proceedings. Such extension, which directly contradicts a Congress-enacted provision, harms children in cases where parental rights have been terminated. It gives tribes the “right to request a transfer,” 80 Fed. Reg.

1 at 10156, C.1(c), in cases where Congress expressly did not give tribes a right to request
2 transfer.

3 146. Such agency action is unlawful, in excess of statutory authority, and not in
4 accordance with law. 5 U.S.C. § 706; *see American Federation of Govt. Employees, AFL-*
5 *CIO, Local 3669 v. Shinseki*, 821 F. Supp. 2d 337 (D.D.C. 2011), *affirmed by*, 709 F.3d
6 29 (D.C. Cir. 2012).

7 **COUNT 7 – DAMAGES UNDER TITLE VI**
8 **OF THE CIVIL RIGHTS ACT (42 U.S.C. §§ 2000d–2000d-7)**

9 147. Plaintiffs reallege, adopt and incorporate by reference the preceding
10 paragraphs as though fully set forth herein.

11 148. DCS is a state agency, of which Defendant McKay is Director. DCS receives
12 federal financial assistance.

13 149. Defendant McKay has subjected and continues to subject Plaintiffs, and
14 members of the class that Plaintiffs seek to represent, to *de jure* discrimination on the
15 ground of the race, color, or national origin of the individuals involved.

16 150. For this *de jure* discriminatory treatment, Plaintiffs request that the court
17 award nominal damages of \$1 each to each of the named Plaintiffs and to each of the
18 members of the class they seek to represent under Title VI of the Civil Rights Act, 42
19 U.S.C. §§ 2000d–2000d-7.

20
21 **REQUEST FOR RELIEF**

22 Consequently, Plaintiffs respectfully request that the Court:

- 23 A. Certify the Plaintiff class as defined.
- 24 B. Declare that provisions of the Indian Child Welfare Act, specifically, 25
25 U.S.C. §§ 1911(b), 1912(d), 1912(e), 1912(f), 1915(a), 1915(b), and the New Guidelines,
26 §§ A.2, A.3, B.1, B.2, B.4, B.8, C.1, C.2, C.3, D.2, D.3, F.1, F.2, F.3, F.4, violate the
27 United States Constitution both facially and as applied to Plaintiffs and others similarly
28

1 situated, violate federal civil rights statutes, 42 U.S.C. §§ 1981, 1983, and violate Title VI
2 of the Civil Rights Act, 42 U.S.C. §§ 2000d *et seq.*

3 C. Permanently enjoin Defendant Washburn and Defendant Jewell from
4 enforcing these provisions of the Indian Child Welfare Act and the New Guidelines.

5 D. Permanently enjoin Defendant McKay from complying with and enforcing
6 these unconstitutional provisions of the Indian Child Welfare Act, the New Guidelines,
7 and state law.

8 E. Hold unlawful and set aside New Guidelines, §§ C.1, C.2, C.3 under 5
9 U.S.C. § 706.

10 F. Award nominal damages of \$1 each to each of the named Plaintiffs and to
11 each of the members of the class that they represent under 42 U.S.C. §§ 2000d–2000d-7.

12 G. Award Plaintiffs their reasonable attorneys' fees, litigation expenses and
13 costs, pursuant to 28 U.S.C. § 2412 (Equal Access to Justice Act) and 42 U.S.C. § 1988
14 (Civil Rights Act), and other applicable law.

15 H. Grant such other relief as the Court may deem just and proper.

16 **RESPECTFULLY SUBMITTED** this 2nd day of March, 2016 by:

17
18 /s/ Aditya Dynar

19 Aditya Dynar (031583)

20 **Scharf-Norton Center for Constitutional Litigation**
21 **at the GOLDWATER INSTITUTE**

22 Michael W. Kirk (admitted *pro hac vice*)

23 Brian W. Barnes (admitted *pro hac vice*)

24 Harold S. Reeves (admitted *pro hac vice*)

COOPER & KIRK, PLLC

25 *Attorneys for Plaintiffs*
26
27
28

CERTIFICATE OF SERVICE

Document Electronically Filed and Served by ECF this 2nd day of March, 2016.

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Courtesy Copy Mailed this 2nd day of March, 2016 to:

Honorable Neil V. Wake
United States District Court
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Phoenix, AZ 85003-2154

/s/ Kris Schlott
Kris Schlott

Exhibit 1



Arizona Department of Child Safety

Douglas A. Ducey
Governor

Gregory McKay
Director

December 31, 2015

The Honorable Douglas A. Ducey
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85005

Re: Semi-Annual Child Welfare Reporting Requirements

Dear Governor Ducey:

Pursuant to A.R.S. § 8-526, the Arizona Department of Child Safety (DCS) submits the enclosed semi-annual report on child welfare for the period of April 1, 2015 through September 30, 2015. This report provides information relative to reports of child abuse and neglect, investigations, shelter and receiving home services, foster homes, length of care, and adoptions.

If you have any questions, please contact me at (602) 255-2500.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory McKay".

Gregory McKay
Director

Enclosure

cc: President Andy Biggs, Arizona State Senate
Speaker David M. Gowan Sr., Arizona State House of Representatives
Senator Nancy Barto, Chairman, Senate Health and Human Services Committee
Representative John M. Allen, Chairman, House Children and Family Affairs Committee
Secretary of State Michele Reagan
Kirk Adams, Chief of Staff, Office of the Governor
Joan Clark, Director, Arizona State Library, Archives, and Public Records
Lorenzo Romero, Director, Governor's Office of Strategic Planning and Budgeting
Laura Johnson, Budget Manager, Governor's Office of Strategic Planning and Budgeting
Christina Corieri, Health and Human Services Policy Advisor, Office of the Governor
John Johnson, Division Chief Council, Child and Family Protection Division, Office of the
Attorney General
Emily Mercado, Analyst, Senate Health and Human Services Committee
Ingrid Garvey, Analyst, House Children and Family Affairs Committee
Wendy Baldo, Chief of Staff, Senate Majority Caucus
Melissa Taylor, Senior Policy and Operations Advisor, Senate Majority Caucus
Patsy Osmon, Policy Advisor, Senate Democratic Caucus
Leslie Sorensen, Deputy Chief of Staff/Staff Attorney, House Majority Caucus
Ryan Sullivan, Policy Advisor, House Majority Caucus
Cynthia Aragon, Policy Advisor, House Democratic Caucus
Representative Kate Brophy McGee, Arizona State House of Representatives

CHILD WELFARE REPORTING REQUIREMENTS

SEMI-ANNUAL REPORT

FOR THE PERIOD OF

APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015



ARIZONA REVISED STATUTES

[LAWS 2011, CHAPTER 147]

ARIZONA DEPARTMENT OF CHILD SAFETY

CHILD WELFARE REPORTING REQUIREMENTS

Arizona Revised Statute § 8-526 requires the Arizona Department of Child Safety (DCS) to compile information and produce a semi-annual report for the periods ending on March 31st and September 30th of each year regarding Child Welfare Services. This report is for the semi-annual reporting period beginning on April 1, 2015 and ending September 30, 2015.

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Executive Summary

The Arizona Department of Child Safety (DCS) is pleased to publish this semi-annual report for April 2015 through September 2015 in compliance with A.R.S. § 8-526. In May 2014, the Department of Child Safety was created as a permanent, stand-alone agency with the express mission of safeguarding Arizona's abused and neglected children.

The data within this Semi-Annual Report assists with identifying areas for continued focus by the Department, stakeholders, policy makers, and advocacy groups. By working collaboratively toward shared goals, targeted resources and strategies will be implemented in a coordinated and purposeful manner, improving safety, permanency and well-being outcomes for children and families.

Child Abuse Hotline and Investigations

The statewide Child Abuse Hotline received 26,455 calls that met the statutory criteria for a report. Of these, 433 were within the jurisdiction of military or tribal governments and were referred to those jurisdictions. The total number of reports represents a four percent increase over the prior reporting period, and a 5.5 percent increase over the same reporting period last year. The Department continues to experience an increase in neglect reports, while the other maltreatment types have remained steady.

In addition to responding to all reports received in this reporting period, the Department closed more reports (15,076) this reporting period than any other reporting period in the past four years. This was accomplished even though DCS received more reports than it did in any other reporting period in the last four years. This total number of reports closed is limited to reports that were received during the reporting period and subsequently closed. Reports that were received in prior reporting periods and closed within this reporting period are not included in this total.

The DCS Strategic Plan was announced in July 2015 and identified several goals with deliverables for the Hotline and investigations. To date, the Department has completed several deliverables, including, but not limited to:

- Instituted notification to callers to the Hotline about false reporting penalties;
- Hired dedicated audit staff at the Hotline for quality assurance;
- Completed policy analysis on the investigation/assessment of very low risk families;
- Created a new Hotline screening decision-making tool that clarifies report and prioritization requirements;
- Implemented a field guide that facilitates the collection and documentation of safety and risk assessment information;
- Created and implemented supervision guides for investigation and ongoing cases;
- Created a review guide for Assistant Program Managers aligned with the safety; assessment model for use in considered removals;
- Implemented Multidisciplinary Team (MDT) reviews of fatality/near fatality cases;
- Created a data dashboard to monitor open report volume and categorize reports by risk factors; and
- Created a dashboard to track overall investigation case management.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015****Children in Out-of-Home Care**

The Department remains committed to working with the community to keep children safe and prevent the need for children to be removed from their homes. Notwithstanding this commitment, the number of children in out-of-home care increased from 17,592 in the prior reporting period to 18,657 in September 2015.

The Department continues to make efforts to place children who have been removed from their home in the most family-like setting possible. In September 2015, 14,863 children – or approximately 80 percent of all children in out-of-home care – were placed with relatives, licensed foster parents, or trial home visit with a parent. Efforts to increase the number of licensed foster parents who are able to meet the needs of children requiring out-of-home placement resulted in 774 new homes being licensed during the reporting period.

As part of the strategic plan, the Department is striving to improve capacity to place children in family environments and fully meet the needs of children in care and their families. During this reporting period DCS was able to accomplish the following:

- Increased use of Placement Coordinators to identify available kinship placements upon removal;
- Expanded the use of software tools, e.g. Lexis Nexis, to find potential kinship placements;
- Established Fostering Inclusion Respect Support Trust Advisory (FIRST) Commission; and
- Established the Building Resilient Families program to deliver in-home prevention services in Maricopa County for low risk families who have been the subject of a DCS investigation.

The state requires monthly face-to-face visitation with children in foster care. The current report shows that 84.4 percent of the children in foster care received their visitation during the last month of the reporting period. There is a strong correlation between caseworker visits with children and positive outcomes for these children, such as achieving permanency and other indicators of child well-being. The Department continues to make efforts to improve our rate of visitation.

Permanency for Children

Arizona is a national leader in the number of finalized adoptions. The Department remains committed to work toward achieving permanency for children placed in out-of-home care as demonstrated by increasing the total number of children achieving permanency through adoption. This number increased by two percent, from 1,576 during this reporting period compared to 1,552 during the same reporting period last year.

The Department demonstrated a significant increase in the number of children safely reunified with their families. 3,102 children exited DCS custody to reunify with their parents or primary caretakers this reporting period compared to 2,636 during the last reporting period, which is an 18% increase.

As part of the Strategic Plan, the Department continues recruitment efforts of foster and adoptive homes. Recently, the Department adjusted foster care reimbursement rates for families who are

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

willing and capable of providing a home for youth ages 12 to 18 years old and sibling groups in this age group.

Strategic Goals to Address Challenges

The Department continues to face both workload and process challenges in its efforts to ensure safety and promote permanency for abused and neglected children. Examples of the more pressing challenges the Department continues to pursue include the increased number of children in out-of-home care, the significant amount of overdue investigations, and the need to improve the hiring and training of qualified personnel. The Department's Strategic Plan represents the leadership's commitment to refocus attention and resources on the safety, permanency, and well-being of children in Arizona. Below are five strategic goals that address several of the most pressing challenges faced by the Department:

1. Improve objective decision-making at the Hotline and investigations.
2. Improve performance and quality of service through employee retention.
3. Reduce length of stay for children in out-of-home care.
4. Reduce recurrence of maltreatment by improving service delivery.
5. Improve capacity to place children in family environments.

As noted previously, the legislation enacted to create the Department included funding to increase the number of child safety specialists. Hiring these specialists during fiscal year 2015 presented a significant challenge to the Department. However, in September 2015 the Department had filled nearly all of its budgeted positions for child safety specialists, including staff at the Hotline.

The Department continues to assess processes and program controls to identify ways to address these challenges. Solutions will include partnering with the community and stakeholders to ensure that the safety and wellbeing of the children is always the top priority. The Department continues to work in partnership with the federal government to meet the federal Child and Family Service Review (CFSR) standards to improve outcomes for the children and families it serves.

The Department previously included three charts that were not required by A.R.S. § 8-526. In order to better align this report with the requirements of the statute, the Department is not including these charts anymore. Information on the number of children in care by placement type and by age is still included in Table 33 of this report.

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

Semi-Annual Comparisons

	Oct 2011 through Mar 2012	Apr 2012 through Sep 2012	Oct 2012 through Mar 2013	Apr 2013 through Sep 2013	Oct 2013 through Mar 2014	Apr 2014 through Sep 2014	Oct 2014 through Mar 2015	Apr 2015 through Sep 2015
Number of Reports Received	20,466	21,625	22,161	22,032	22,956	25,076	25,508	26,455
Number of Reports Substantiated ¹	2,748	2,809	2,588	2,704	3,190	3,456	3,535	1,926
Substantiation Rate	14%	14%	13%	12%	14%	14%	14%	7%
Number of Reports Investigated & Closed	10,345	9,168	10,923	11,212	11,392	12,038	13,045	15,076
Number of Reports Responded to	19,274	20,413	20,253	20,122	22,162	24,435	25,182	26,022
Number of new removals	4,968	5,716	5,101	5,702	5,701	6,461	5,935	6,819
Number of new removals with Voluntary under 18	150	116	97	118	90	189	131	154
Number of Children in Out-of-Home Care on the Last Day of Reporting Period	12,453	14,111	14,314	15,037	15,751	16,990	17,592	18,657
Number of Children in Shelter for More than 21 Days	713	764	792	824	802	868	900	878
Number and Percentage of Children Receiving Visitation In the Last Month of Reporting Period	9,728 (78.1%)	10,404 (73.7%)	12,101 (84.5%)	12,997 (86.4%)	13,818 (87.7%)	14,846 (87.4%)	15,323 (87.1%)	15,746 (84.4%)
Number and Percentage of Children not Receiving Visitation	2,725 (21.9%)	3,707 (26.3%)	2,213 (15.5%)	2,040 (13.6%)	1,933 (12.3%)	2,144 (12.6%)	2,269 (12.9%)	2,911 (15.6%)
Number and Percentage of Parents Receiving Visitation	1,081 (57.1%)	1,017 (51.2%)	1,058 (50.9%)	1,157 (52.4%)	1,344 (53.8%)	1,315 (52.0%)	1,372 (55.7%)	1,576 (50.9%)
Number of Licensed Foster Homes ²	3,480	3,748	3,516	3,900	4,329	4,397	4,497	4,551
Number of Foster Home Spaces Available to DCS	8,572	7,716	8,579	8,573	9,049	9,061	9,079	9,114
Number of New Foster Homes	663	999	722	717	1,050	756	821	774
Number of Foster Homes Closed	679	747	740	715	787	822	785	767
Number and Percentage of Foster Homes Receiving Visitation In the Last Qtr. Of Reporting Period	3,132 (79.9%)	3,095 (82.6%)	3,316 (92.7)	3,491 (89.5%)	3,689 (85.2%)	3,949 (89.8%)	3,881 (86.3%)	3,925 (86.2%)
Number and Percentage of Foster Homes not Receiving Visitation	790 (20.1)	653 (17.4%)	260 (7.3%)	409 (10.5%)	640 (14.8%)	448 (10.2%)	616 (13.7%)	626 (13.8%)
Number of Children Leaving DCS Custody	3,826	3,923	4,668	4,805	4,786	5,042	5,063	5,555
Number of Children With a Case Plan Goal of Adoption	2,663	2,719	2,852	3,311	3,417	3,377	3,449	3,878
Number of Children With a Finalized Adoption	1,224	1,025	1,270	1,215	1,518	1,552	1,629	1,576

¹ Since the appeals process delays the substantiation of reports, revisions to the substantiation rate for the prior reporting period will occur with every semi-annual report produced.

² The number of available foster homes includes homes reported by the Department's Home Recruitment, Study and Supervision contractors along with foster homes utilized for appropriate children in coordination with the Division of Developmental Disabilities.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015****Reports of Child Abuse & Neglect**

Child abuse and neglect are defined in A.R.S. §8-201 and A.R.S. §13-3623 (A). These definitions provide the major categories in this report.

Between April 1, 2015 through September 30, 2015, there were 26,455 incoming communications to the Child Abuse Hotline that met the criteria for a report of abuse or neglect. Of these, 433 were within the jurisdiction of military or tribal governments and were referred to those jurisdictions. Compared to one year ago, there has been a 5.5 percent increase in reports received by the Child Abuse Hotline meeting the criteria of a report of abuse or neglect.

Table 1 shows the number of reports received by the Department by category of maltreatment for the current and past reporting periods. One consistent trend is the increase in the proportion of reports that meet the criteria of neglect. In accordance with Strategic Plan, the Department is examining current Child Abuse Hotline policies and procedures to improve objectivity within screening tools and improve inter-rater reliability.

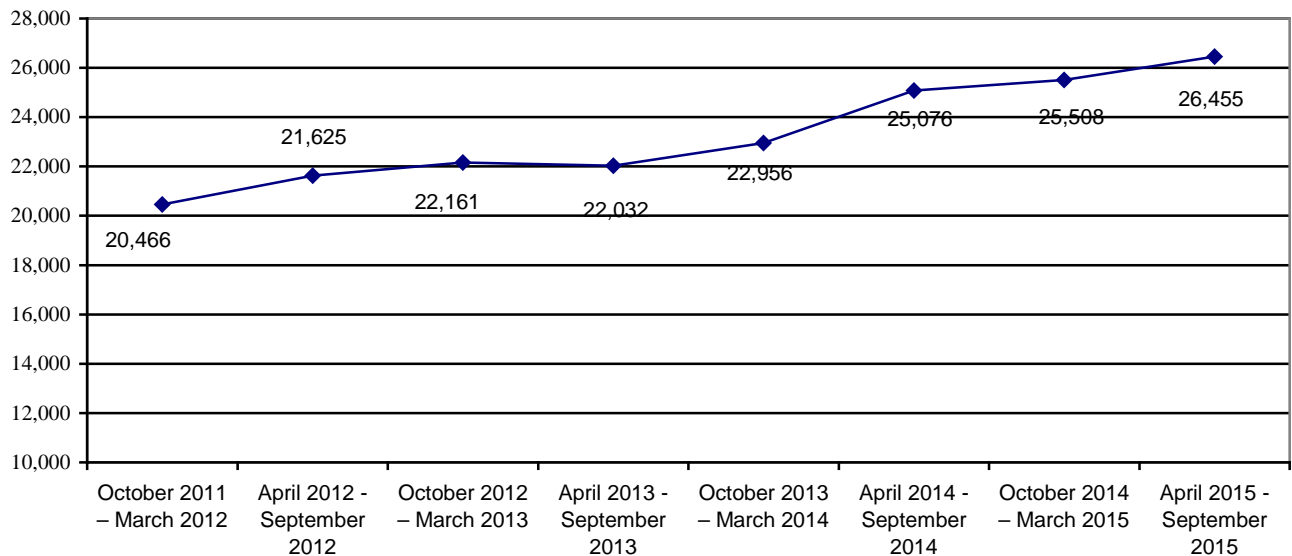
TABLE 1
REPORTS BY REPORTING PERIOD AND TYPE OF MALTREATMENT

	Neglect	Physical Abuse	Sexual Abuse	Emotional Abuse	Total
October 2011 – March 2012	13,369 65.3%	6,198 30.3%	739 3.6%	160 0.8%	20,466 100.0%
April 2012 – September 2012	14,722 68.1%	5,974 27.6%	764 3.5%	165 0.8%	21,625 100.0%
October 2012 – March 2013	14,916 67.2%	6,263 28.3%	815 3.7%	167 0.8%	22,161 100.0%
April 2013 – September 2013	15,560 70.6%	5,607 25.5%	731 3.3%	134 0.6%	22,032 100.0%
October 2013 – March 2014	15,766 68.7%	6,248 27.2%	772 3.4%	170 0.7%	22,956 100.0%
April 2014 – September 2014	18,022 71.9%	6,074 24.2%	847 3.4%	133 0.5%	25,076 100.0%
October 2014 – March 2015	18,338 71.9%	6,254 24.5%	787 3.1%	129 0.5%	25,508 100.0%
April 2015 – September 2015	19,276 72.9%	6,086 23.0%	954 3.6%	139 0.5%	26,455 100.0%

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

Chart 1 illustrates that the number of reports received by the Centralized Intake Hotline has increased by 1,379 reports over the same reporting period last year. The chart below also shows that the significant upward trend in reports received by the Centralized Intake Hotline has continued since FY 2012. This in turn resulted in more children entering out-of-home care (see Chart 18 for information on the out-of-home population).

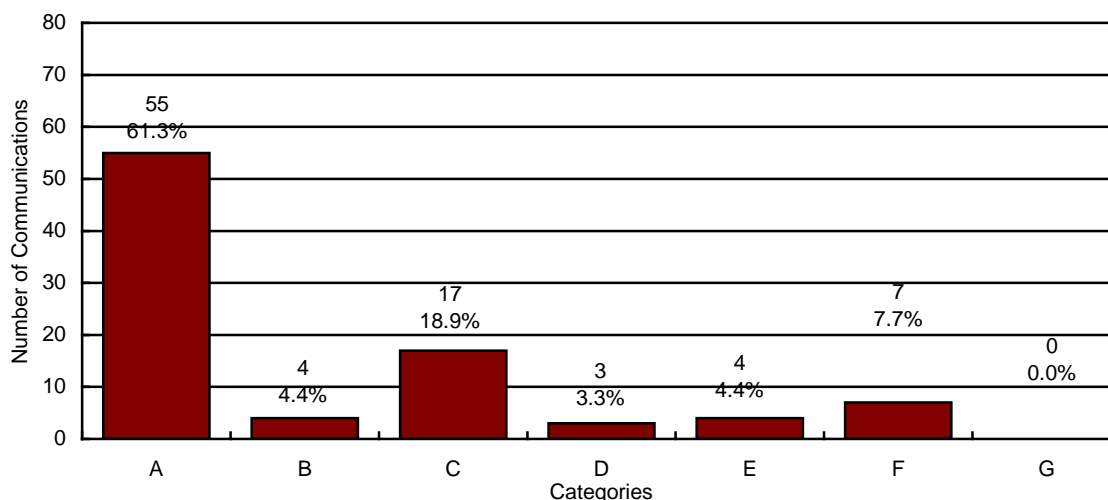
CHART 1
REPORTS OF CHILD ABUSE AND NEGLECT BY REPORTING PERIOD



Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

The Centralized Intake Hotline received a total of 78,531 calls during the reporting period. Of those, 75,482 were answered by a Hotline specialist and 2,658, or 3.5 percent, were abandoned calls. The 75,482 yielded 49,027 communications (includes calls, court orders, online submissions, mail, faxes and/or emails) and 26,455 reports of abuse and neglect. Communications do not meet the statutory criteria of a report of maltreatment. A random sample of communications was reviewed to identify the types of calls that do not get classified as reports of abuse and neglect. The results of this review are contained in the chart below.

CHART 2
SAMPLE OF COMMUNICATIONS TO THE CENTRALIZED INTAKE HOTLINE THAT DO NOT MEET THE STATUTORY REQUIREMENTS OF A REPORT OF ABUSE OR NEGLECT



N=90

- A = Concern Only/No Allegation of Child Abuse or Neglect**
- B = Out of DCS Jurisdiction**
- C = Call Appropriate for Law Enforcement Jurisdiction³**
- D = Non-Caretaker Neglect/Child No Longer at Risk**
- E = Insufficient Information**
- F = Truancy/Custody Issues**
- G = Current Case Questions or Referrals**

All communications that do not meet the statutory requirements for a field investigation of abuse or neglect are reviewed by supervisors or program specialists at the Hotline.

³ The category "Call Appropriate for Law Enforcement Jurisdiction" refers to a situation where the alleged perpetrator is not a parent or primary caretaker and the allegations, if true, would constitute a crime.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

Chart 3 below provides information on the number of reports that met each of the Centralized Intake Hotline priority classifications in the current and past reporting periods. In Table 2 and Table 3, data on total reports by priority is shown by county for the current and previous reporting periods. The priority determinations are made by personnel at the child abuse hotline after the review of multiple factors, however, below is a high level summary of each response time criteria.

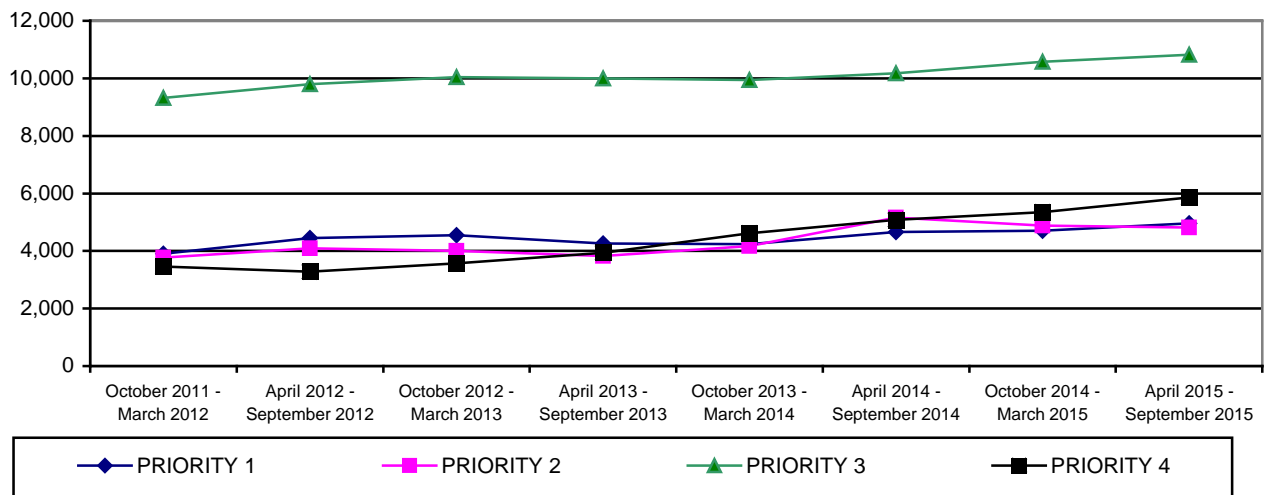
PRIORITY 1: Present danger refers to an immediate, significant and clearly observable family condition present now that has resulted in or is likely to result in serious or severe harm requiring an immediate initial response.

PRIORITY 2: Impending danger may not be occurring in the present but is likely to occur in the immediate to near future and will likely result in serious or severe harm to a child.

PRIORITY 3: Reports that do not rise to the level of present or impending danger, but there is an incident of abuse or neglect that has happened in the past 30 days. This includes a current minor injury to the child.

PRIORITY 4: Reports that do not rise to the level of present or impending danger, but 1) there is an incident of abuse or neglect that happened more than 30 days ago, or 2) the date of last occurrence is unknown and there is no current physical indicator of maltreatment, or 3) there is unreasonable risk of harm to the child's health or welfare.

**CHART 3
NUMBER OF REPORTS RECEIVED BY PRIORITY**



Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 2
NUMBER OF REPORTS RECEIVED BY PRIORITY AND COUNTY FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	31	20	44	30	125	0.5%
COCHISE	78	95	217	58	448	1.7%
COCONINO	89	73	165	81	408	1.5%
GILA	70	65	98	42	275	1.0%
GRAHAM	38	38	64	37	177	0.7%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	18	21	35	14	88	0.3%
MARICOPA	3,014	2,736	6,201	3,621	15,572	58.9%
MOHAVE	175	190	350	176	891	3.4%
NAVAJO	114	80	177	114	485	1.8%
PIMA	780	913	2,154	964	4,811	18.2%
PINAL	311	327	700	378	1,716	6.5%
SANTA CRUZ	33	19	65	77	194	0.7%
YAVAPAI	101	146	308	159	714	2.7%
YUMA	110	94	239	108	551	2.1%
STATEWIDE	4,962	4,817	10,817	5,859	26,455	100.0%
% OF TOTAL	18.8%	18.2%	40.8%	22.2%	100.0%	

TABLE 3
NUMBER OF REPORTS RECEIVED BY PRIORITY AND COUNTY FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	19	14	33	22	88	0.3%
COCHISE	74	103	164	58	399	1.6%
COCONINO	98	91	229	86	504	2.0%
GILA	34	54	65	32	185	0.7%
GRAHAM	31	36	65	48	180	0.7%
GREENLEE	3	0	4	3	10	<0.1%
LA PAZ	20	10	21	16	67	0.3%
MARICOPA	2,885	2,872	6,182	3,242	15,181	59.4%
MOHAVE	145	176	308	133	762	3.0%
NAVAJO	82	92	131	90	395	1.6%
PIMA	782	868	2,099	944	4,693	18.4%
PINAL	313	316	688	354	1,671	6.6%
SANTA CRUZ	17	16	52	64	149	0.6%
YAVAPAI	114	126	325	164	729	2.9%
YUMA	83	105	216	91	495	1.9%
STATEWIDE	4,700	4,879	10,582	5,347	25,508	100.0%
% OF TOTAL	18.4%	19.1%	41.5%	21.0%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

The following chart and tables provide the number of reports categorized by type of maltreatment. The total number of reports received by type of maltreatment is displayed in Chart 4. In Table 4 and Table 5, data on the total reports by type of maltreatment is shown by county for the current and previous reporting periods.

CHART 4
NUMBER OF REPORTS RECEIVED BY TYPE OF MALTREATMENT

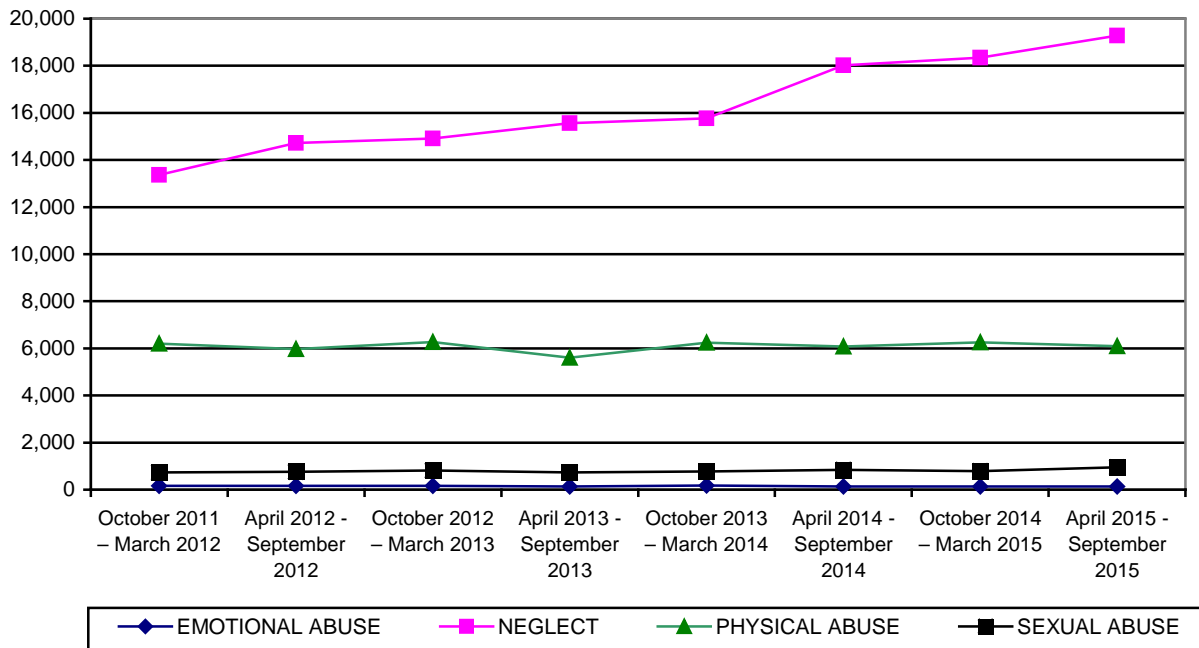


TABLE 4
NUMBER OF REPORTS RECEIVED BY TYPE OF MALTREATMENT AND COUNTY FOR PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	98	21	6	125	0.5%
COCHISE	1	320	107	20	448	1.7%
COCONINO	2	302	85	19	408	1.5%
GILA	2	221	42	10	275	1.0%
GRAHAM	2	128	40	7	177	0.7%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	68	18	2	88	0.3%
MARICOPA	79	11,182	3,740	571	15,572	58.9%
MOHAVE	3	667	189	32	891	3.4%
NAVAJO	3	385	77	20	485	1.8%
PIMA	33	3,598	1,045	135	4,811	18.2%
PINAL	8	1,235	408	65	1,716	6.5%
SANTA CRUZ	1	134	46	13	194	0.7%
YAVAPAI	2	536	136	40	714	2.7%
YUMA	3	402	132	14	551	2.1%
STATEWIDE	139	19,276	6,086	954	26,455	100.0%
% OF TOTAL	0.5%	72.9%	23.0%	3.6%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 5
NUMBER OF REPORTS RECEIVED BY TYPE OF MALTREATMENT AND COUNTY FOR
PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	1	58	26	3	88	0.3%
COCHISE	1	285	95	18	399	1.6%
COCONINO	3	332	142	27	504	2.0%
GILA	1	142	36	6	185	0.7%
GRAHAM	1	132	39	8	180	0.7%
GREENLEE	0	7	3	0	10	<0.1%
LA PAZ	0	59	6	2	67	0.3%
MARICOPA	77	10,777	3,843	484	15,181	59.4%
MOHAVE	4	569	171	18	762	3.0%
NAVAJO	2	302	85	6	395	1.6%
PIMA	26	3,461	1,086	120	4,693	18.4%
PINAL	9	1,213	399	50	1,671	6.6%
SANTA CRUZ	0	98	43	8	149	0.6%
YAVAPAI	0	537	171	21	729	2.9%
YUMA	4	366	109	16	495	1.9%
STATEWIDE	129	18,338	6,254	787	25,508	100.0%
% OF TOTAL	0.5%	71.9%	24.5%	3.1%	100.0%	

Child Welfare Reporting Requirements

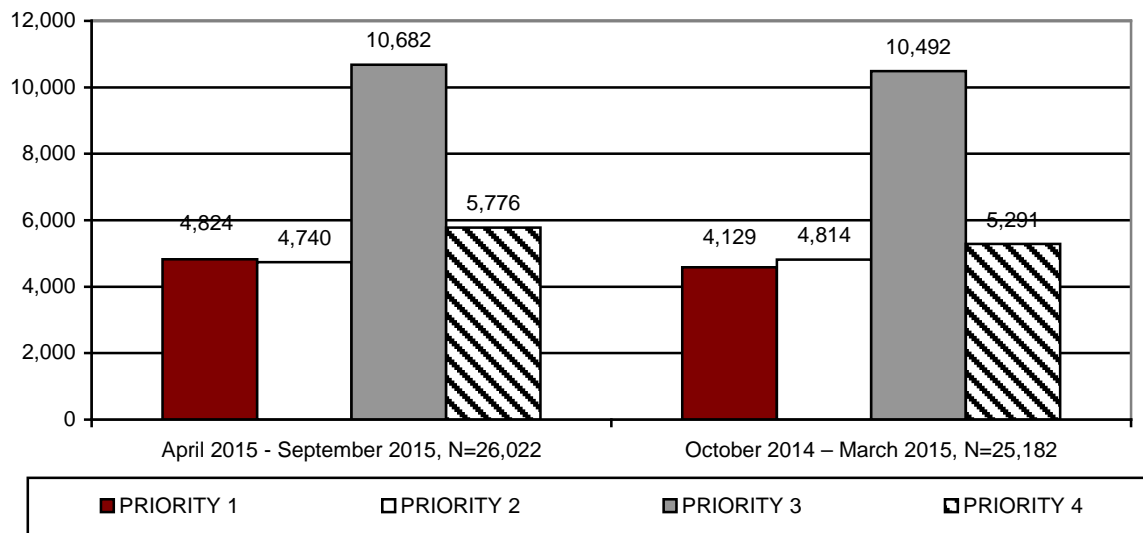
April 1, 2015 - September 30, 2015

ASSIGNMENT OF INVESTIGATIONS

During the current reporting period, there were 26,455 calls to the Hotline that met the statutory criteria for a report. Of those, 433 reports fell within the jurisdiction of military or tribal governments. All reports had response data entered at the time this report was compiled. The assignment of the remaining 26,022 reports for investigation is report in this section.

The tables and charts in this section provide statewide and county level information on these reports assigned to DCS. Of these, DCS completed 15,076 (57.9%) of their assigned investigations. Those not completed remain open when the investigation is still in process, when the specialist is waiting for the results of a law enforcement investigation and/or receipt of records that impact the investigation finding, or when the investigation has been completed but is awaiting supervisory review and approval.

CHART 5
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND REPORTING PERIOD



Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 6
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
FOR PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	24	16	28	19	87	0.3%
COCHISE	78	95	217	58	448	1.7%
COCONINO	68	63	142	71	344	1.3%
GILA	52	57	87	34	230	0.9%
GRAHAM	32	35	58	33	158	0.6%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	11	15	24	12	62	0.2%
MARICOPA	3,000	2,725	6,191	3,615	15,531	59.8%
MOHAVE	170	188	349	174	881	3.4%
NAVAJO	80	69	150	96	395	1.5%
PIMA	771	903	2,141	957	4,772	18.3%
PINAL	298	320	687	366	1,671	6.4%
SANTA CRUZ	33	19	65	77	194	0.8%
YAVAPAI	99	141	304	156	700	2.7%
YUMA	108	94	239	108	549	2.1%
STATEWIDE	4,824	4,740	10,682	5,776	26,022	100.0%
% OF TOTAL	18.5%	18.2%	41.1%	22.2%	100.0%	

TABLE 7
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
FOR PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	11	9	23	14	57	0.2%
COCHISE	74	103	164	58	399	1.6%
COCONINO	78	80	214	76	448	1.8%
GILA	26	50	62	30	168	0.7%
GRAHAM	30	35	61	48	174	0.7%
GREENLEE	3	0	4	3	10	<0.1%
LA PAZ	17	7	18	14	56	0.2%
MARICOPA	2,870	2,864	6,178	3,232	15,144	60.1%
MOHAVE	142	173	308	132	755	3.0%
NAVAJO	57	74	117	78	326	1.3%
PIMA	771	862	2,088	940	4,661	18.5%
PINAL	294	311	672	350	1,627	6.5%
SANTA CRUZ	17	16	52	64	149	0.6%
YAVAPAI	112	126	316	161	715	2.8%
YUMA	83	104	215	91	493	2.0%
STATEWIDE	4,585	4,814	10,492	5,291	25,182	100.0%
% OF TOTAL	18.2%	19.1%	41.7%	21.0%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 6
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
AND REPORTING PERIOD

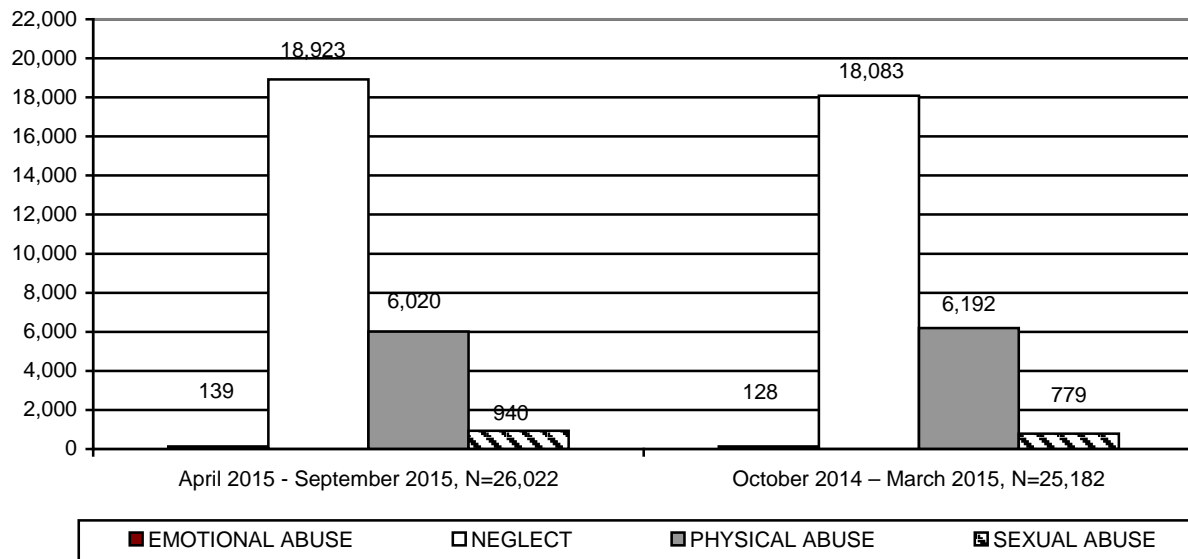


TABLE 8
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
AND COUNTY FOR PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	69	15	3	87	0.3%
COCHISE	1	320	107	20	448	1.7%
COCONINO	2	253	73	16	344	1.3%
GILA	2	181	37	10	230	0.9%
GRAHAM	2	113	36	7	158	0.6%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	48	12	2	62	0.2%
MARICOPA	79	11,147	3,736	569	15,531	59.8%
MOHAVE	3	659	187	32	881	3.4%
NAVAJO	3	309	66	17	395	1.5%
PIMA	33	3,567	1,039	133	4,772	18.3%
PINAL	8	1,201	398	64	1,671	6.4%
SANTA CRUZ	1	134	46	13	194	0.8%
YAVAPAI	2	522	136	40	700	2.7%
YUMA	3	400	132	14	549	2.1%
STATEWIDE	139	18,923	6,020	940	26,022	100.0%
% OF TOTAL	0.5%	23.1%	23.1%	3.6%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 9
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
AND COUNTY FOR PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	1	35	19	2	57	0.2%
COCHISE	1	285	95	18	399	1.6%
COCONINO	3	291	129	25	448	1.8%
GILA	1	128	33	6	168	0.7%
GRAHAM	1	126	39	8	174	0.7%
GREENLEE	0	7	3	0	10	<0.1%
LA PAZ	0	50	4	2	56	0.2%
MARICOPA	77	10,750	3,835	482	15,144	60.1%
MOHAVE	4	563	170	18	755	3.0%
NAVAJO	1	245	75	5	326	1.3%
PIMA	26	3,437	1,079	119	4,661	18.5%
PINAL	9	1,178	391	49	1,627	6.5%
SANTA CRUZ	0	98	43	8	149	0.6%
YAVAPAI	0	526	168	21	715	2.8%
YUMA	4	364	109	16	493	2.0%
STATEWIDE	128	18,083	6,192	779	25,182	100.0%
% OF TOTAL	0.5%	71.8%	24.6%	3.1%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

INVESTIGATIONS OF CHILD ABUSE AND NEGLECT

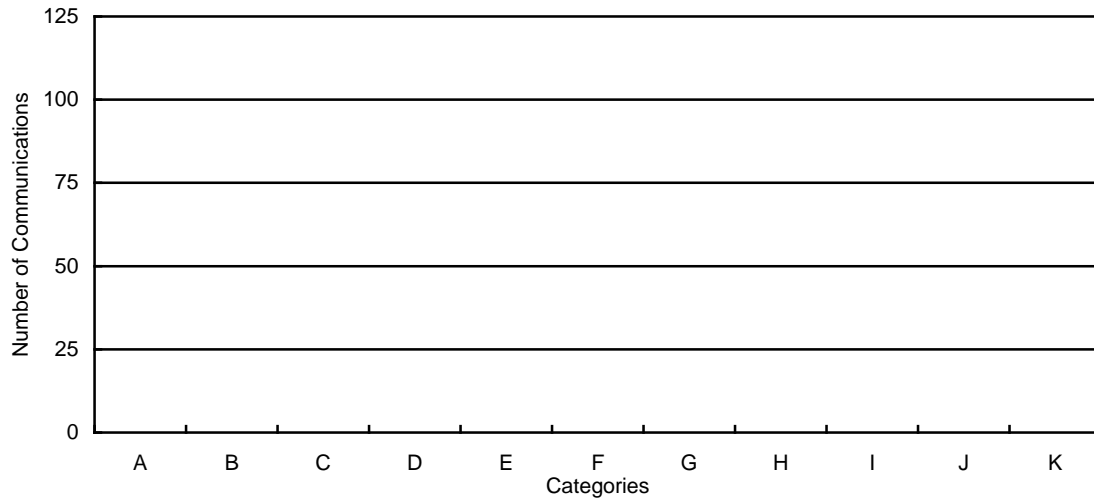
Responding to all reports that come into the Hotline remains a priority to the Department because it is essential to ensuring the safety of children. For the second consecutive reporting period, the Department responded to all reports received during this reporting period. Therefore, no data will be displayed in Table 10 and Chart 7 below.

TABLE 10
NUMBER OF REPORTS WITHOUT RESPONSE DATA BY PRIORITY AND COUNTY FOR
PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	0	0	0	0	0	0.0%
COCHISE	0	0	0	0	0	0.0%
COCONINO	0	0	0	0	0	0.0%
GILA	0	0	0	0	0	0.0%
GRAHAM	0	0	0	0	0	0.0%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0.0%
MARICOPA	0	0	0	0	0	0.0%
MOHAVE	0	0	0	0	0	0.0%
NAVAJO	0	0	0	0	0	0.0%
PIMA	0	0	0	0	0	0.0%
PINAL	0	0	0	0	0	0.0%
SANTA CRUZ	0	0	0	0	0	0.0%
YAVAPAI	0	0	0	0	0	0.0%
YUMA	0	0	0	0	0	0.0%
STATEWIDE	0	0	0	0	0	0.0%
% OF TOTAL	0.0%	0.0%	0.0%	0.0%	0.0%	

By statute, a random sample of reports that do not have data on an investigative response in each reporting period is required. In addition, short descriptions of these reports are also required. As all reports were responded to during this period, there is no data to be sampled and displayed in Chart 7.

CHART 7
NUMBER OF REPORTS WITHOUT RESPONSE DATA BY CATEGORY FOR THE PERIOD
OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015



N=0

- A = Adolescent, Past Abuse, No Current Injuries**
- B = Inadequate Housekeeping Standards**
- C = Inappropriate Vehicle Operation**
- D = No Specific Allegations**
- E = Past Abuse no current injuries**
- F = Adolescent, current minor injuries**
- G = Non-adolescent, current minor injuries**
- H = Poor parenting skills**
- I = Left with inappropriate caregiver**
- J = Law Enforcement Issue**
- K = Out of Control Teenager**

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 8
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND
REPORTING PERIOD FOR REPORTS OPEN FOR INVESTIGATION

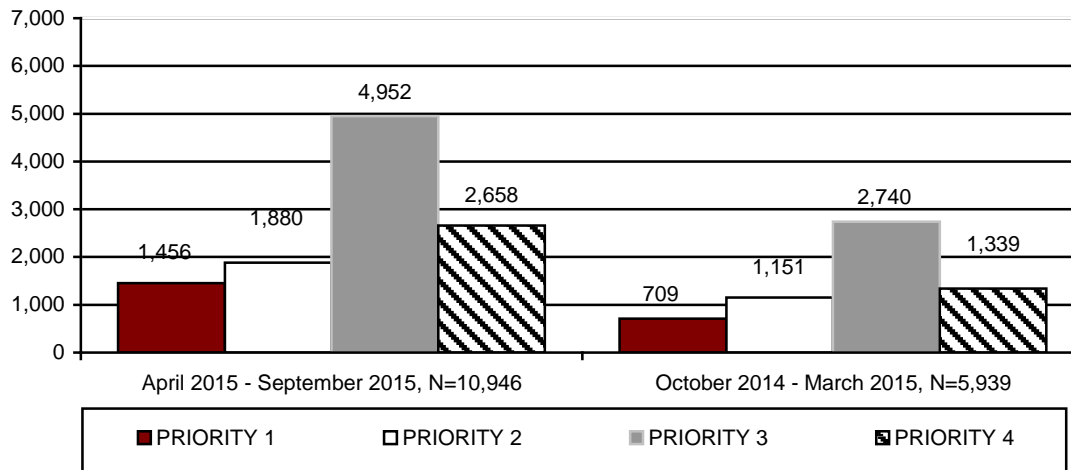


TABLE 11
NUMBER OF REPORTS BY PRIORITY AND COUNTY FOR REPORTS OPEN FOR
INVESTIGATION FOR PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	0	1	4	4	9	0.1%
COCHISE	48	61	161	44	314	2.9%
COCONINO	16	17	41	21	95	0.9%
GILA	32	47	72	29	180	1.6%
GRAHAM	19	22	39	20	100	0.9%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	5	5	11	5	26	0.2%
MARICOPA	956	1,230	3,237	1,806	7,229	66.0%
MOHAVE	58	74	169	94	395	3.6%
NAVAJO	3	4	15	7	29	0.3%
PIMA	166	217	629	313	1,325	12.1%
PINAL	84	121	357	151	713	6.5%
SANTA CRUZ	23	11	52	68	154	1.4%
YAVAPAI	28	52	101	67	248	2.3%
YUMA	18	18	64	29	129	1.2%
STATEWIDE	1,456	1,880	4,952	2,658	10,946	100.0%
% OF TOTAL	13.3%	17.2%	45.2%	24.3%	100.0%	

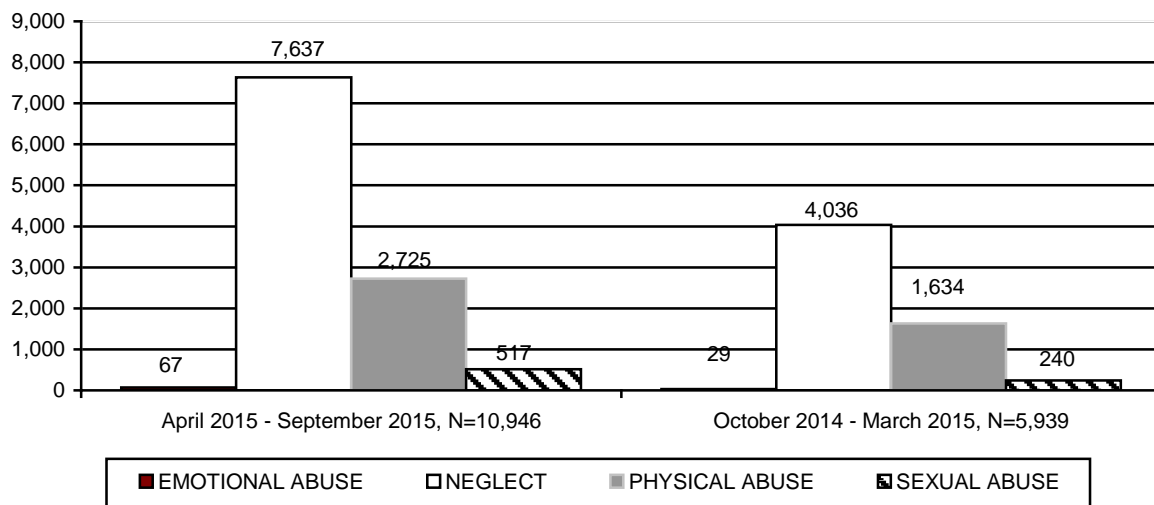
Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 12
NUMBER OF REPORTS BY PRIORITY AND COUNTY FOR REPORTS OPEN FOR
INVESTIGATION FOR PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	0	0	0	0	0	0.0%
COCHISE	25	41	85	33	184	3.1%
COCONINO	1	9	7	6	23	0.4%
GILA	17	27	43	22	109	1.8%
GRAHAM	2	4	7	4	17	0.3%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0.0%
MARICOPA	494	772	1,832	911	4,009	67.4%
MOHAVE	6	17	27	8	58	1.0%
NAVAJO	1	2	2	0	5	0.1%
PIMA	83	144	366	143	736	12.4%
PINAL	60	103	278	136	577	9.7%
SANTA CRUZ	6	8	38	48	100	1.7%
YAVAPAI	12	17	42	21	92	1.6%
YUMA	2	7	13	7	29	0.5%
STATEWIDE	709	1,151	2,740	1,339	5,939	100.0%
% OF TOTAL	11.9%	19.4%	46.1%	22.6%	100.0%	

CHART 9
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
FOR REPORTS OPEN FOR INVESTIGATION



The number of reports assigned for investigation for reports open for investigation will change each reporting period as investigations are completed and closed by next reporting period.

Child Welfare Reporting Requirements

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TABLE 13
NUMBER OF REPORTS BY TYPE OF MALTREATMENT AND COUNTY FOR REPORTS
OPEN FOR INVESTIGATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	7	2	0	9	0.1%
COCHISE	1	216	81	16	314	2.9%
COCONINO	0	62	30	3	95	0.9%
GILA	2	138	31	9	180	1.6%
GRAHAM	1	66	26	7	100	0.9%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	21	3	2	26	0.2%
MARICOPA	43	4,974	1,880	332	7,229	66.0%
MOHAVE	3	289	85	18	395	3.6%
NAVAJO	0	24	5	0	29	0.3%
PIMA	10	957	285	73	1,325	12. %
PINAL	3	511	174	25	713	6.5%
SANTA CRUZ	1	103	40	10	154	1.4%
YAVAPAI	2	182	47	17	248	2.3%
YUMA	1	87	36	5	129	1.2%
STATEWIDE	67	7,637	2,725	517	10,946	100.0%
% OF TOTAL	0.6%	69.8%	24.9%	4.7%	100.0%	

TABLE 14
NUMBER OF REPORTS BY TYPE OF MALTREATMENT AND COUNTY FOR REPORTS
OPEN FOR INVESTIGATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	0	0	0	0	0.0%
COCHISE	1	121	53	9	184	3.1%
COCONINO	0	15	6	2	23	0.4%
GILA	1	82	20	6	109	1.8%
GRAHAM	0	14	3	0	17	0.3%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0.0%
MARICOPA	21	2,686	1,134	168	4,009	67.4%
MOHAVE	0	42	14	2	58	1.0%
NAVAJO	0	5	0	0	5	0.1%
PIMA	3	516	184	33	736	12.4%
PINAL	2	398	165	12	577	9.7%
SANTA CRUZ	0	62	33	5	100	1.7%
YAVAPAI	0	74	15	3	92	1.6%
YUMA	1	21	7	0	29	0.5%
STATEWIDE	29	4,036	1,634	240	5,939	100.0%
% OF TOTAL	0.5%	68.0%	27.5%	4.0%	100.0%	

Child Welfare Reporting Requirements

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CHART 10
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION WHERE A REMOVAL OCCURRED

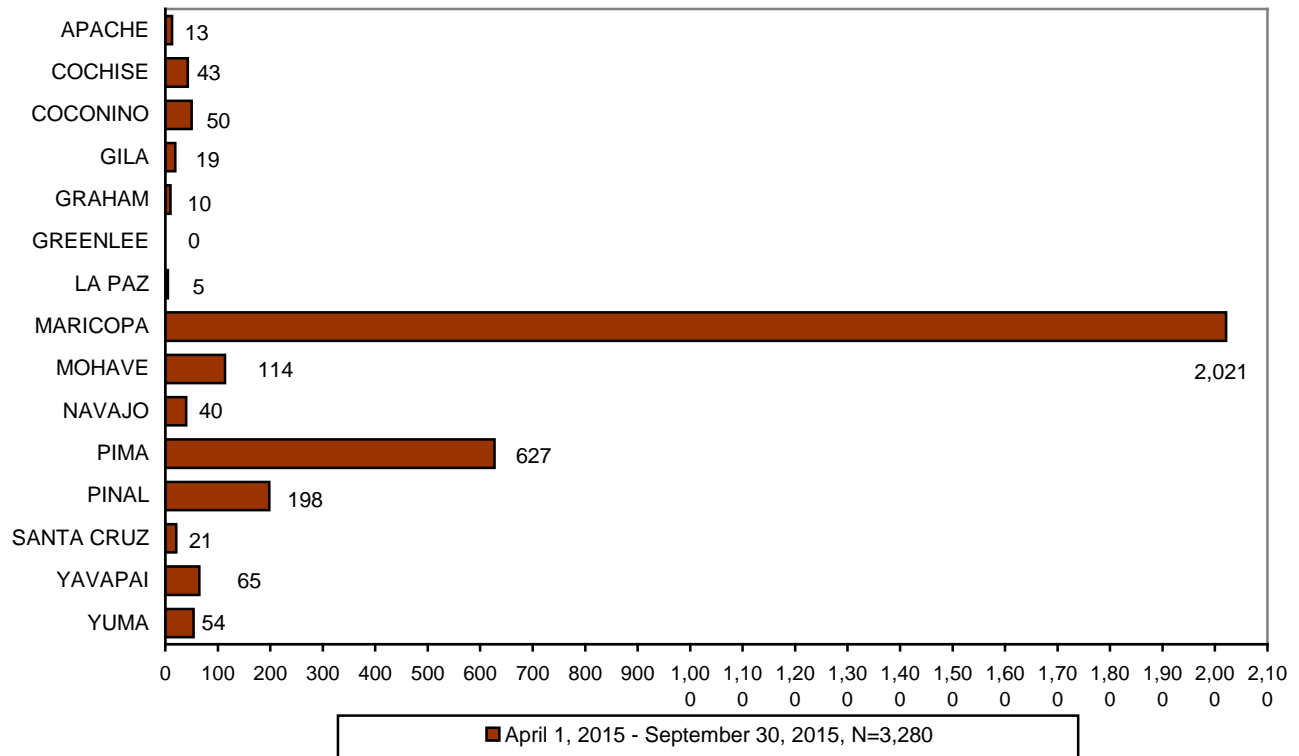


TABLE 15
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY COUNTY WHERE A REMOVAL OCCURRED FOR THE PERIOD APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	NUMBER OF REPORTS ASSIGNED	NUMBER OF REPORTS ASSIGNED WITH A REMOVAL	% OF REPORTS WHERE A CHILD REMOVED
APACHE	87	13	14.9%
COCHISE	448	43	9.6%
COCONINO	344	50	14.5%
GILA	230	19	8.3%
GRAHAM	158	10	6.3%
GREENLEE	0	0	0.0%
LA PAZ	62	5	8.1%
MARICOPA	15,531	2,021	13.0%
MOHAVE	881	114	12.9%
NAVAJO	395	40	10.1%
PIMA	4,772	627	13.1%
PINAL	1,671	198	11.8%
SANTA CRUZ	194	21	10.8%
YAVAPAI	700	65	9.3%
YUMA	549	54	9.8%
STATEWIDE	26,022	3,280	12.6%

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TABLE 16
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY COUNTY WHERE A
REMOVAL OCCURRED FOR THE PERIOD OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	NUMBER OF REPORTS ASSIGNED	NUMBER OF REPORTS ASSIGNED WITH A REMOVAL	% OF REPORTS WHERE A CHILD WAS REMOVED
APACHE	57	6	10.5%
COCHISE	399	20	5.0%
COCONINO	448	44	9.8%
GILA	168	14	8.3%
GRAHAM	174	16	9.2%
GREENLEE	10	0	0.0%
LA PAZ	56	6	10.7%
MARICOPA	15,144	1,746	11.5%
MOHAVE	755	81	10.7%
NAVAJO	326	23	7.1%
PIMA	4,661	589	12.6%
PINAL	1,627	218	13.4%
SANTA CRUZ	149	12	8.1%
YAVAPAI	715	82	11.5%
YUMA	493	48	9.7%
STATEWIDE	25,182	2,905	11.5%

COMPLETED INVESTIGATIONS

Substantiated reports are reports where the Department has determined that at least one of the allegations in the report of abuse and/or neglect is true. The number of reports that are considered substantiated are a subset of the total number of reports that were received, investigated, and closed during the reporting period.

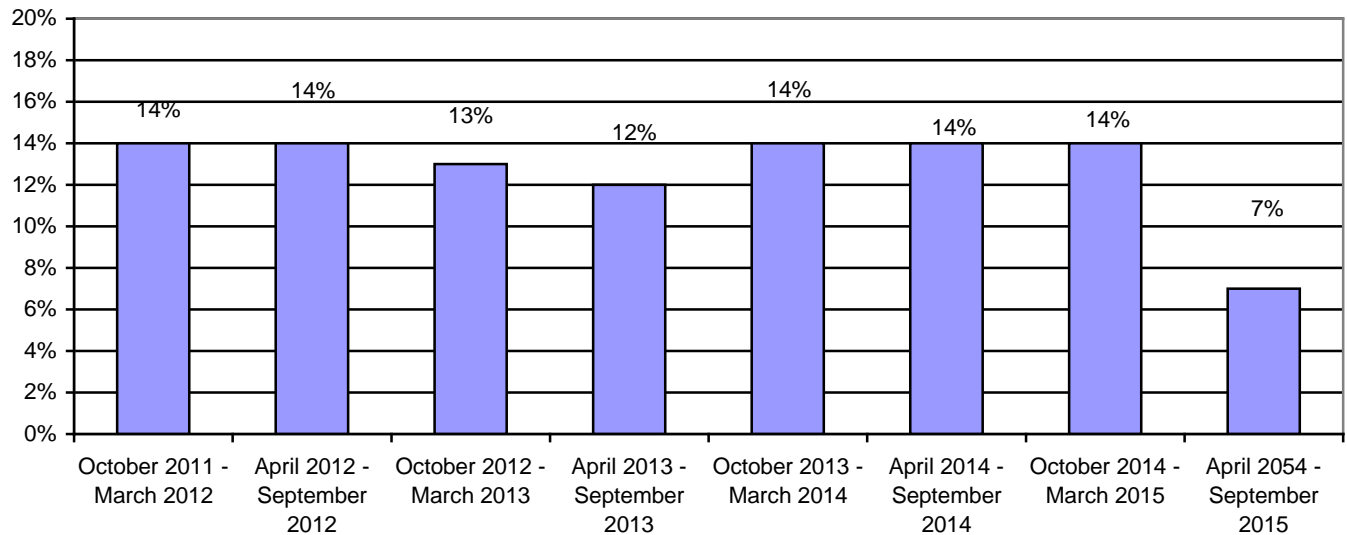
The preliminary number of reports that are substantiated for the current reporting period is 1,926. For the prior reporting period, the number of reports that were assigned for investigation that resulted in substantiated findings was revised from 1,606 to 3,535. This number will change each reporting period as a result of subsequent decisions based on parents' rights to due process as well as the completion of investigations and findings.

- The preliminary substantiation rate for the current reporting period is 7%. However, the substantiation rate for the current period is anticipated to be revised upwards in the next semi-annual report.
- The substantiation rate for the prior reporting period is 14%. However, when initially reported, the September 2014 – March 2015 substantiation rate was 6%.

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CHART 11
SUBSTANTIATION RATE BY REPORTING
PERIOD



Information on both proposed substantiations and finalized substantiations is provided in the charts and tables below:

- For information on the proposed substantiated investigation findings—classified by priority—for the current and prior reporting period, see Chart 12, Table 17, and Table 18.
- For information on the proposed substantiated investigation findings—classified by type of maltreatment—for the current and prior reporting period, see Chart 13, Table 19, and Table 20.
- For information on the substantiated investigation findings—classified by priority—for the current and prior reporting period, see Chart 14, Table 21, and Table 22.
- For information on the substantiated investigation findings—classified by type of maltreatment—for the current and prior reporting period, see Chart 15, Table 23, and Table 24.

Child Welfare Reporting Requirements

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CHART 12
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND
REPORTING PERIOD THAT RESULTED IN PROPOSED SUBSTANTIATION

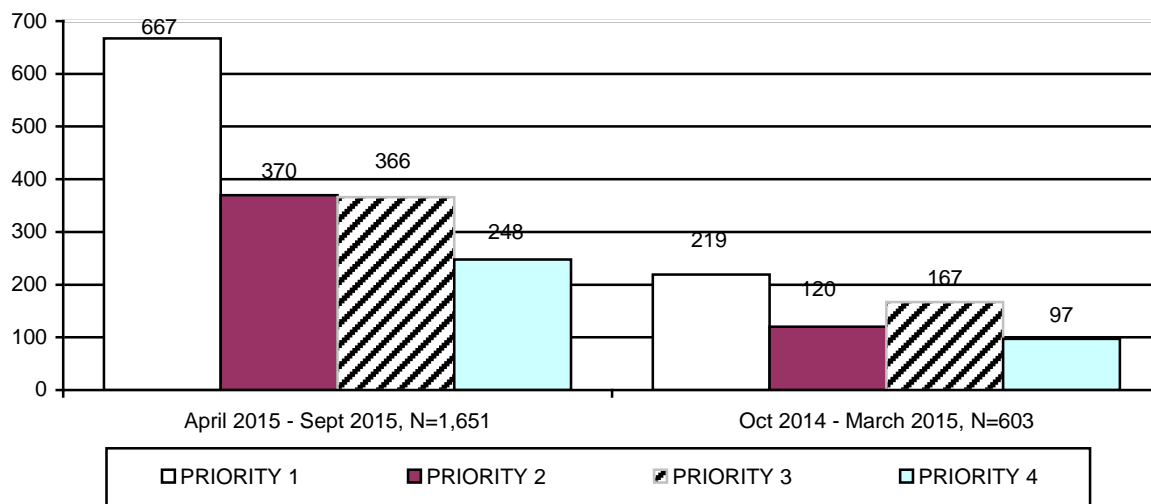


TABLE 17
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN PROPOSED SUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	3	0	0	0	3	0.2%
COCHISE	8	11	8	2	29	1.8%
COCONINO	12	4	7	3	26	1.6%
GILA	4	3	0	0	7	0.4%
GRAHAM	3	0	1	0	4	0.2%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	2	0	2	0.1%
MARICOPA	424	218	224	198	1,064	64.4%
MOHAVE	32	23	22	3	80	4.9%
NAVAJO	15	3	6	1	25	1.5%
PIMA	98	79	59	18	254	15.3%
PINAL	39	18	15	20	92	5.6%
SANTA CRUZ	2	1	5	0	8	0.5%
YAVAPAI	20	8	14	2	44	2.7%
YUMA	7	2	3	1	13	0.8%
STATEWIDE	667	370	366	248	1,651	100.0%
% OF TOTAL	40.4%	22.4%	22.2%	15.0%	100.0%	

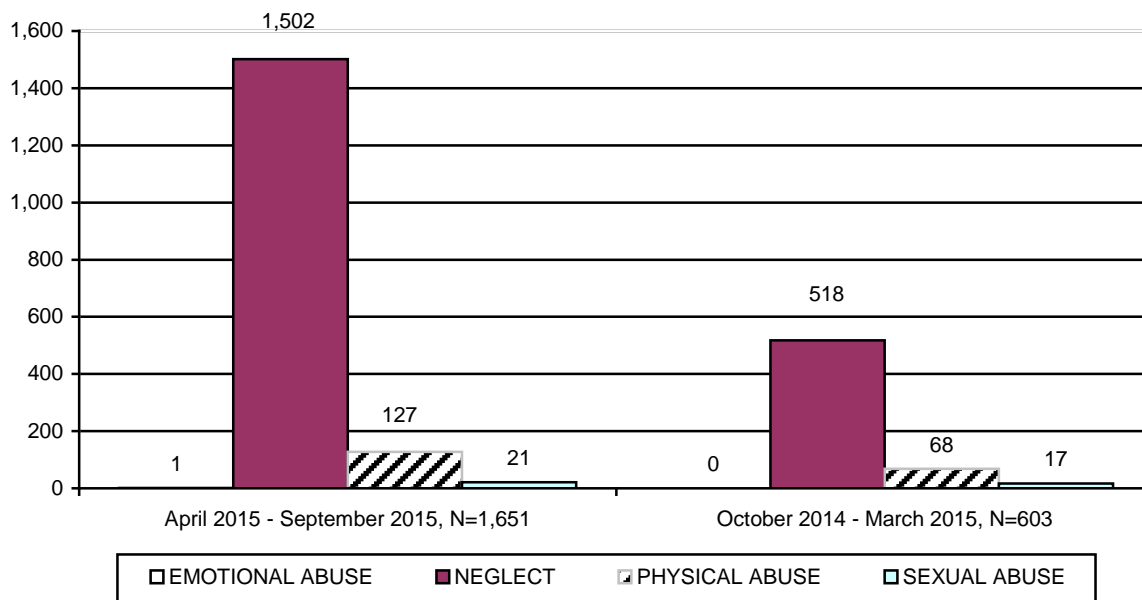
Child Welfare Reporting Requirements

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TABLE 18
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN PROPOSED SUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	0	0	0	1	1	0.1%
COCHISE	5	2	1	0	8	1.3%
COCONINO	3	3	3	1	10	1.7%
GILA	1	1	0	0	2	0.3%
GRAHAM	0	0	0	0	0	0.0%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0.0%
MARICOPA	123	67	114	77	381	63.3%
MOHAVE	15	11	8	1	35	5.8%
NAVAJO	0	0	2	1	3	0.5%
PIMA	49	29	17	7	102	16.9%
PINAL	11	2	8	6	27	4.5%
SANTA CRUZ	0	0	1	1	2	0.3%
YAVAPAI	12	5	13	2	32	5.3%
YUMA	0	0	0	0	0	0.0%
STATEWIDE	219	120	167	97	603	100.0%
% OF TOTAL	36.3%	19.9%	27.7%	16.1%	100.0%	

CHART 13
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
THAT RESULTED IN PROPOSED SUBSTANTIATION



Child Welfare Reporting Requirements

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TABLE 19
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN PROPOSED SUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	3	0	0	3	0.2%
COCHISE	0	24	5	0	29	1.8%
COCONINO	0	25	1	0	26	1.6%
GILA	0	7	0	0	7	0.4%
GRAHAM	0	3	1	0	4	0.2%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	1	1	0	2	0.1%
MARICOPA	1	967	78	18	1,064	64.4%
MOHAVE	0	76	4	0	80	4.9%
NAVAJO	0	25	0	0	25	1.5%
PIMA	0	231	22	1	254	15.3%
PINAL	0	83	9	0	92	5.6%
SANTA CRUZ	0	8	0	0	8	0.5%
YAVAPAI	0	38	5	1	44	2.7%
YUMA	0	11	1	1	13	0.8%
STATEWIDE	1	1,502	127	21	1,651	100.0%
% OF TOTAL	0.1%	90.9%	7.7%	1.3%	100.0%	

TABLE 20
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN PROPOSED SUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	1	0	0	1	0.2%
COCHISE	0	8	0	0	8	1.3%
COCONINO	0	9	0	1	10	1.7%
GILA	0	2	0	0	2	0.3%
GRAHAM	0	0	0	0	0	0.0%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0.0%
MARICOPA	0	314	53	14	381	63.2%
MOHAVE	0	30	5	0	35	5.8%
NAVAJO	0	2	1	0	3	0.5%
PIMA	0	98	4	0	102	16.9%
PINAL	0	25	1	1	27	4.5%
SANTA CRUZ	0	1	1	0	2	0.3%
YAVAPAI	0	28	3	1	32	5.3%
YUMA	0	0	0	0	0	0.0%
STATEWIDE	0	518	68	17	603	100.0%
% OF TOTAL	0.0%	85.9%	11.3%	2.8%	100.0%	

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 14
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND
REPORTING PERIOD THAT RESULTED IN
SUBSTANTIATION

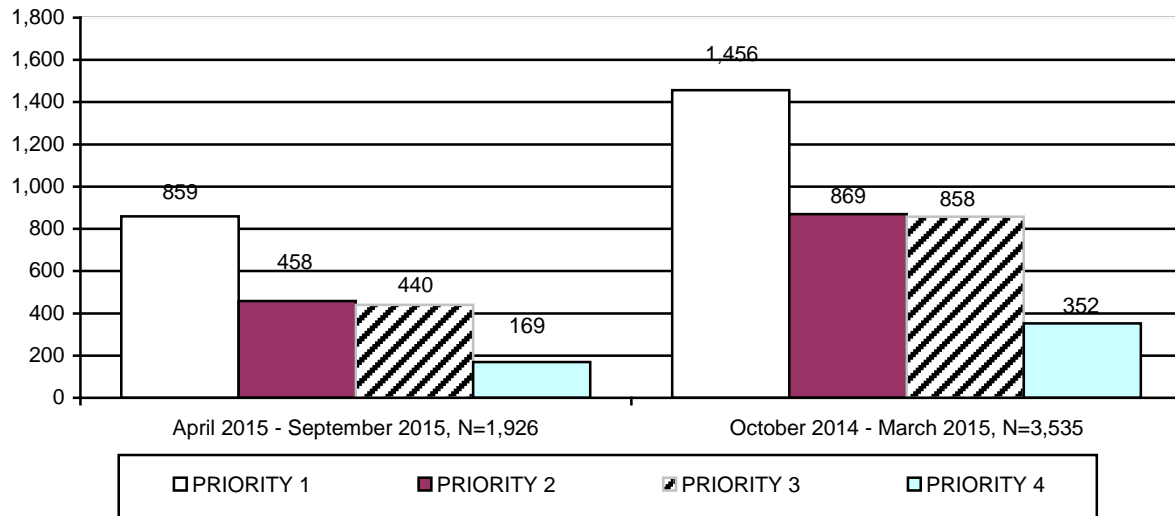


TABLE 21
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN SUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	2	0	0	0	2	0.1%
COCHISE	5	1	1	0	7	0.3%
COCONINO	6	4	4	1	15	0.8%
GILA	7	0	0	0	7	0.3%
GRAHAM	2	0	0	0	2	0.1%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	2	2	1	1	6	0.3%
MARICOPA	573	270	255	135	1,233	64.0%
MOHAVE	18	10	7	1	36	1.9%
NAVAJO	22	5	14	3	44	2.3%
PIMA	136	104	99	11	350	18.2%
PINAL	41	42	34	11	128	6.7%
SANTA CRUZ	5	0	1	0	6	0.3%
YAVAPAI	8	5	15	2	30	1.6%
YUMA	32	15	9	4	60	3.1%
STATEWIDE	859	458	440	169	1,926	100%
% OF TOTAL	44.5%	23.8%	22.9%	8.8%	100.0%	

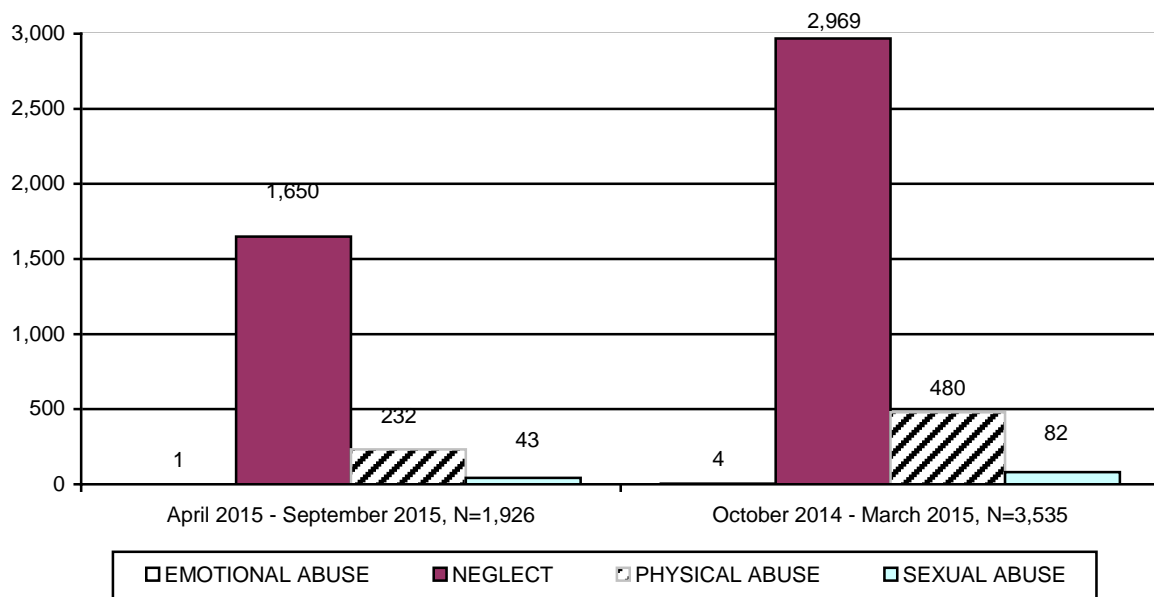
Child Welfare Reporting Requirements

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TABLE 22
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN SUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	3	2	2	0	7	0.2%
COCHISE	14	7	6	1	28	0.8%
COCONINO	19	13	10	1	43	1.2%
GILA	6	6	0	0	12	0.3%
GRAHAM	15	7	5	2	29	0.8%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	9	1	2	1	13	0.4%
MARICOPA	941	511	537	262	2,251	63.6%
MOHAVE	47	23	18	3	91	2.6%
NAVAJO	19	13	14	3	49	1.4%
PIMA	240	178	163	40	621	17.6%
PINAL	75	68	54	29	226	6.4%
SANTA CRUZ	5	3	3	1	12	0.3%
YAVAPAI	24	15	19	4	62	1.8%
YUMA	39	22	25	5	91	2.6%
STATEWIDE	1,456	869	858	352	3,535	100.0%
% OF TOTAL	41.1%	24.6%	24.3%	10.0%	100.0%	

CHART 15
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
THAT RESULTED IN SUBSTANTIATION



Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 23
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN SUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	2	0	0	2	0.1%
COCHISE	0	6	1	0	7	0.4%
COCONINO	0	13	0	2	15	0.8%
GILA	0	5	2	0	7	0.4%
GRAHAM	0	2	0	0	2	0.1%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	6	0	0	6	0.3%
MARICOPA	0	1,061	145	27	1,233	63.9%
MOHAVE	0	32	4	0	36	1.9%
NAVAJO	1	36	6	1	44	2.3%
PIMA	0	297	48	5	350	18.1%
PINAL	0	109	15	4	128	6.7%
SANTA CRUZ	0	5	1	0	6	0.3%
YAVAPAI	0	24	3	3	30	1.6%
YUMA	0	52	7	1	60	3.1%
STATEWIDE	1	1,650	232	43	1,926	100.0%
% OF TOTAL	0.1%	85.6%	12.1%	2.2%	100.0%	

TABLE 24
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN SUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	5	2	0	7	0.2%
COCHISE	0	25	2	1	28	0.8%
COCONINO	0	35	7	1	43	1.2%
GILA	0	11	1	0	12	0.3%
GRAHAM	0	20	7	2	29	0.8%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	0	11	1	1	13	0.4%
MARICOPA	3	1,891	303	54	2,251	63.6%
MOHAVE	0	79	11	1	91	2.6%
NAVAJO	0	41	8	0	49	1.4%
PIMA	1	539	70	11	621	17.6%
PINAL	0	176	43	7	226	6.4%
SANTA CRUZ	0	12	0	0	12	0.3%
YAVAPAI	0	49	12	1	62	1.8%
YUMA	0	75	13	3	91	2.6%
STATEWIDE	4	2,969	480	82	3,535	100.0%
% OF TOTAL	0.1%	84.0%	13.6%	2.3%	100.0%	

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

The preliminary number of investigations that resulted in an unsubstantiated finding for this reporting period was 10,017. Charts 16 and 17 display information on unsubstantiated reports classified by priority and type of maltreatment for the current and prior reporting periods. Tables 25 and 26 provide information on the unsubstantiated investigation findings classified by priority for each county in the current and prior reporting periods. Tables 27 and 28 provide information on the unsubstantiated investigation findings classified by type of maltreatment for each county in the current and prior reporting periods. These figures will change over time as investigations are completed and findings are entered.

CHART 16
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND
REPORTING PERIOD THAT RESULTED IN UNSUBSTANTIATION

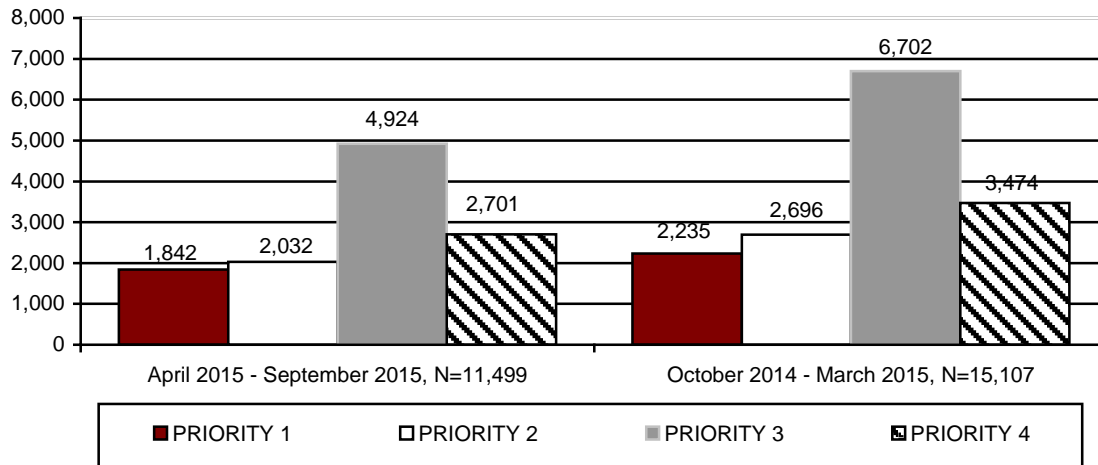


TABLE 25
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN UNSUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	19	15	24	15	73	0.6%
COCHISE	17	22	47	12	98	0.9%
COCONINO	34	38	90	46	208	1.8%
GILA	9	7	15	5	36	0.3%
GRAHAM	8	13	18	13	52	0.5%
GREENLEE	0	0	0	0	0	0.0%
LA PAZ	4	8	10	6	28	0.2%
MARICOPA	1,047	1,007	2,475	1,476	6,005	52.3%
MOHAVE	62	81	151	76	370	3.2%
NAVAJO	40	57	115	85	297	2.6%
PIMA	371	503	1,354	615	2,843	24.7%
PINAL	134	139	281	184	738	6.4%
SANTA CRUZ	3	7	7	9	26	0.2%
YAVAPAI	43	76	174	85	378	3.3%
YUMA	51	59	163	74	347	3.0%
STATEWIDE	1,842	2,032	4,924	2,701	11,499	100.0%
% OF TOTAL	16.0%	17.7%	42.8%	23.5%	100.0%	

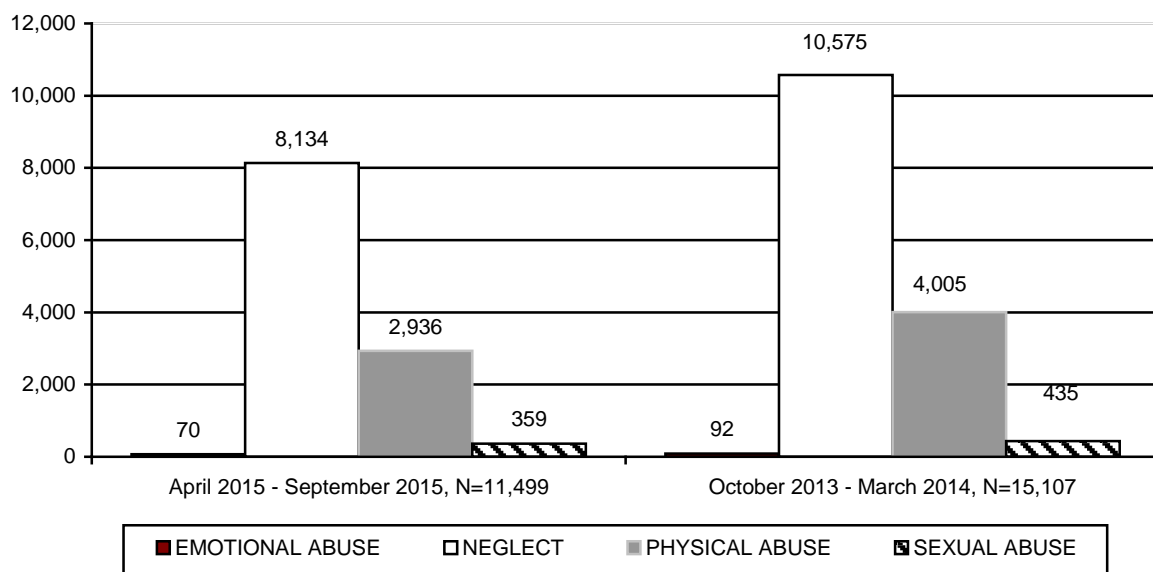
Child Welfare Reporting Requirements

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TABLE 26
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY PRIORITY AND COUNTY
THAT RESULTED IN UNSUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	PRIORITY 1	PRIORITY 2	PRIORITY 3	PRIORITY 4	TOTAL	% OF TOTAL
APACHE	8	8	22	13	51	0.3%
COCHISE	30	53	72	24	179	1.2%
COCONINO	52	49	175	62	338	2.2%
GILA	2	16	19	9	46	0.3%
GRAHAM	11	20	40	27	98	0.7%
GREENLEE	2	0	4	3	9	0.1%
LA PAZ	8	6	16	13	43	0.3%
MARICOPA	1,323	1,516	3,634	1,950	8,423	55.8%
MOHAVE	75	118	248	121	562	3.7%
NAVAJO	40	74	129	80	323	2.1%
PIMA	411	529	1,544	753	3,237	21.4%
PINAL	159	144	370	193	866	5.7%
SANTA CRUZ	6	5	9	13	33	0.2%
YAVAPAI	64	82	234	132	512	3.4%
YUMA	44	76	186	81	387	2.6%
STATEWIDE	2,235	2,696	6,702	3,474	15,107	100.0%
% OF TOTAL	14.8%	17.9%	44.3%	23.0%	100.0%	

CHART 17
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
THAT RESULTED IN UNSUBSTANTIATION BY REPORTING PERIOD



Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 27
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN UNSUBSTANTIATION FOR PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	0	57	13	3	73	0.6%
COCHISE	0	74	20	4	98	0.9%
COCONINO	2	15331	42	11	208	1.8%
GILA	0	42	4	1	36	0.3%
GRAHAM	1	0	9	0	52	0.5%
GREENLEE	0	20	0	0	0	0.0%
LA PAZ	0	4,145	8	0	28	0.2%
MARICOPA	35	262	1,633	192	6,005	52.3%
MOHAVE	0	224	94	14	370	3.2%
NAVAJO	2	2,082	55	16	297	2.6%
PIMA	23	498	684	54	2,843	24.7%
PINAL	5	498	200	35	738	6.4%
SANTA CRUZ	0	18	5	3	26	0.2%
YAVAPAI	0	278	81	19	378	3.3%
YUMA	2	250	88	7	347	3.0%
STATEWIDE	70	8,134	2,936	359	11,499	100.0%
% OF TOTAL	0.6%	70.8%	25.5%	3.1%	100.0%	

TABLE 28
NUMBER OF REPORTS ASSIGNED FOR INVESTIGATION BY TYPE OF MALTREATMENT
BY COUNTY THAT RESULTED IN UNSUBSTANTIATION FOR PERIOD OF
OCTOBER 1, 2014 THROUGH MARCH 31, 2015

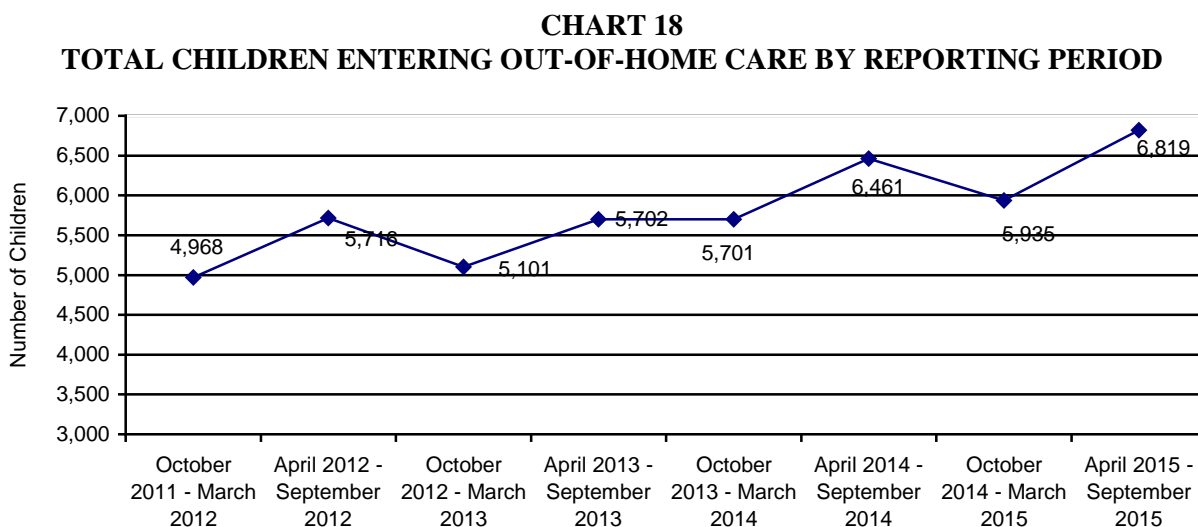
COUNTY	EMOTIONAL ABUSE	NEGLECT	PHYSICAL ABUSE	SEXUAL ABUSE	TOTAL	% OF TOTAL
APACHE	1	32	17	1	51	0.3%
COCHISE	0	131	40	8	179	1.2%
COCONINO	2	210	106	20	338	2.2%
GILA	0	34	12	0	46	0.3%
GRAHAM	1	72	23	2	98	0.7%
GREENLEE	0	6	3	0	9	0.1%
LA PAZ	0	39	3	1	43	0.3%
MARICOPA	51	5,813	2,315	244	8,423	55.8%
MOHAVE	4	402	141	15	562	3.7%
NAVAJO	2	236	78	7	323	2.1%
PIMA	22	2,316	823	76	3,237	21.4%
PINAL	6	624	206	30	866	5.7%
SANTA CRUZ	0	21	9	3	33	0.2%
YAVAPAI	0	361	136	15	512	3.4%
YUMA	3	278	93	13	387	2.6%
STATEWIDE	92	10,575	4,005	435	15,107	100.0%
% OF TOTAL	0.6%	70.0%	26.5%	2.9%	100.0%	

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015****SAFE HAVEN INFANTS**

Communications from providers indicate that there were no newborn infants delivered to Safe Haven providers during the April 2015 – September 2015 reporting period. This compares to two infants being delivered to Safe Haven providers during the prior reporting period.

CHILDREN ENTERING OUT-OF-HOME CARE

During the current reporting period, 6,819 children entered care, which represents a 14.9% increase in children entering care over the prior reporting period and a 5.5% increase over the same reporting period last year. As can be seen from Chart 18 below, the increasing trend of children entering out-of-home care continues. This increase in the number of children entering care is not unexpected as the number of reports of abuse and neglect has continued to increase (see Chart 1 for number of reports detail). It is important to note, however, that child welfare data is seasonal. The trend in the data shows a higher number of reports and therefore a higher number children entering out-of-home care in reporting periods that cover April through September. This seasonality can be attributed to higher call volume to the Hotline in April, Child Abuse Awareness month, and the close and start of the school year in May and August, respectively.

**CHILDREN ENTERING OUT-OF-HOME CARE – VOLUNTARY SERVICES**

The number of children entering out-of-home placement through voluntary foster care agreements for the current reporting period was 154, which represents 2.3 percent of the children entering care this reporting period. Information on the county level distribution of voluntary placements into out-of-home care can be found in Table 29 for the current reporting period and in Table 30 for the prior reporting period.

Voluntary foster care may be provided when the parents or legal guardians of a child have requested such assistance and have signed a legally binding written agreement for the temporary placement of the child in foster care while risk factors are addressed to enable the child to live safely at home. A.R.S. § 8-806 authorizes the Department to provide voluntary foster care placement for children for a period not to exceed 90 days and no more than twice within 24 consecutive months.

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 29
NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE BY COUNTY WHO ARE
VOLUNTARY PLACEMENTS FOR CHILDREN UNDER THE AGE OF EIGHTEEN FOR THE
PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	NUMBER OF CHILDREN REMOVED	% OF TOTAL REMOVALS	NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE UNDER THE AGE OF EIGHTEEN WHO ARE VOLUNTARY PLACEMENTS	% OF CHILDREN ENTERING OUT- OF-HOME CARE WHO ARE VOLUNTARY PLACEMENTS
APACHE	21	0.3%	0	0.0%
COCHISE	85	1.3%	0	0.0%
COCONINO	86	1.3%	1	0.7%
GILA	42	0.6%	2	1.3%
GRAHAM	21	0.3%	0	0.0%
GREENLEE	0	0.0%	0	0.0%
LA PAZ	7	0.1%	0	0.0%
MARICOPA	4,271	62.6%	51	33.1%
MOHAVE	234	3.4%	13	8.4%
NAVAJO	64	0.9%	2	1.3%
PIMA	1,218	17.9%	67	43.4%
PINAL	468	6.9%	1	0.7%
SANTA CRUZ	43	0.6%	0	0.0%
YAVAPAI	147	2.2%	12	7.8%
YUMA	112	1.6%	5	3.3%
STATEWIDE	6,819	100.0%	154	2.3%

TABLE 30
NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE BY COUNTY WHO ARE
VOLUNTARY PLACEMENTS FOR CHILDREN UNDER THE AGE OF EIGHTEEN FOR THE
PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	NUMBER OF CHILDREN REMOVED	% OF TOTAL REMOVALS	NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE UNDER THE AGE OF EIGHTEEN WHO ARE VOLUNTARY PLACEMENTS	% OF CHILDREN ENTERING OUT- OF-HOME CARE WHO ARE VOLUNTARY PLACEMENTS
APACHE	12	0.2%	0	0.0%
COCHISE	50	0.8%	0	0.0%
COCONINO	66	1.1%	7	5.3%
GILA	38	0.6%	2	1.5%
GRAHAM	29	0.5%	0	0.0%
GREENLEE	0	0.0%	0	0.0%
LA PAZ	20	0.3%	0	0.0%
MARICOPA	3,682	62.1%	50	38.2%
MOHAVE	166	2.8%	0	0.0%
NAVAJO	52	0.9%	1	0.8%
PIMA	1,105	18.7%	51	38.9%
PINAL	441	7.4%	3	2.3%
SANTA CRUZ	14	0.2%	0	0.0%
YAVAPAI	152	2.6%	11	8.4%
YUMA	108	1.8%	6	4.6%
STATEWIDE	5,935	100.0%	131	100.0%

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE

The total number of children entering out-of-home care (of which voluntary placements are a subset) in the current reporting period was 6,819, which represents an increase of 14.9 percent and a 5.5 percent increase over the same reporting period last year. Chart 19 displays the number of removed children, and then further differentiates new removals by providing the number with a prior removal in the past 12 months and the past 12 to 24 months. Information on the county level distribution of children entering out-of-home care can be found in Table 31 for the current period and Table 32 for the prior period.

**TABLE 31
NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE BY COUNTY FOR THE
PERIOD OF APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015**

COUNTY	NUMBER OF CHILDREN REMOVED	% OF TOTAL REMOVALS	NUMBER OF CHILDREN WITH A PRIOR REMOVAL IN THE LAST 12 MONTHS	% OF CHILDREN WITH A PRIOR REMOVAL IN THE LAST 12 MONTHS	NUMBER OF CHILDREN WITH A REMOVAL IN THE PRIOR 12 TO 24 MONTHS	% OF CHILDREN WITH A PRIOR REMOVAL IN THE PRIOR 12 TO 24 MONTHS
APACHE	21	0.3%	2	9.5%	1	4.8%
COCHISE	85	1.3%	9	10.6%	1	1.2%
COCONINO	86	1.3%	0	0.0%	0	0.0%
GILA	42	0.6%	5	11.9%	2	4.8%
GRAHAM	21	0.3%	0	0.0%	0	0.0%
GREENLEE	0	0.0%	0	0.0%	0	0.0%
LA PAZ	7	0.1%	0	0.0%	0	0.0%
MARICOPA	4,271	62.6%	305	7.1%	139	3.3%
MOHAVE	234	3.4%	17	7.3%	3	1.3%
NAVAJO	64	0.9%	2	3.1%	4	6.3%
PIMA	1,218	17.9%	125	10.3%	51	4.2%
PINAL	468	6.9%	33	7.1%	2	0.4%
SANTA CRUZ	43	0.6%	0	0.0%	0	0.0%
YAVAPAI	147	2.2%	6	4.1%	2	1.4%
YUMA	112	1.6%	11	9.8%	3	2.7%
STATEWIDE	6,819	100.0%	515	7.6%	208	3.1%

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

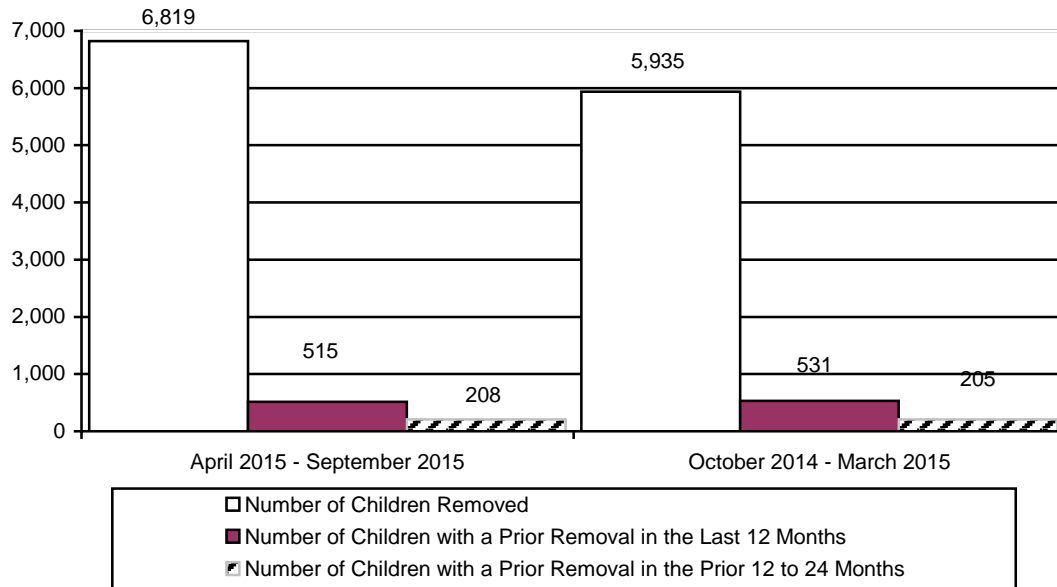
TABLE 32
NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE BY COUNTY FOR THE
PERIOD OF OCTOBER 1, 2014 THROUGH MARCH 31, 2015

COUNTY	NUMBER OF CHILDREN REMOVED	% OF TOTAL REMOVALS	NUMBER OF CHILDREN WITH A PRIOR REMOVAL IN THE LAST 12 MONTHS	% OF CHILDREN WITH A PRIOR REMOVAL IN THE LAST 12 MONTHS	NUMBER OF CHILDREN WITH A REMOVAL IN THE PRIOR 12 TO 24 MONTHS	% OF CHILDREN WITH A PRIOR REMOVAL IN THE PRIOR 12 TO 24 MONTHS
APACHE	12	0.2%	0	0.0%	0	0.0%
COCHISE	50	0.8%	6	12.0%	1	2.0%
COCONINO	66	1.1%	7	10.6%	0	0.0%
GILA	38	0.6%	2	5.3%	10	26.3%
GRAHAM	29	0.5%	4	13.8%	3	10.3%
GREENLEE	0	0.0%	0	0.0%	0	0.0%
LA PAZ	20	0.3%	1	5.0%	0	0.0%
MARICOPA	3,682	62.1%	303	8.2%	133	3.6%
MOHAVE	166	2.8%	25	15.1%	6	3.6%
NAVAJO	52	0.9%	2	3.8%	3	5.8%
PIMA	1,105	18.7%	120	10.9%	28	2.5%
PINAL	441	7.4%	32	7.3%	9	2.0%
SANTA CRUZ	14	0.2%	0	0.0%	0	0.0%
YAVAPAI	152	2.6%	17	11.2%	6	3.9%
YUMA	108	1.8%	12	11.1%	6	5.6%
STATEWIDE	5,935	100.0%	531	8.9%	205	3.5%

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 19
NUMBER OF CHILDREN ENTERING OUT-OF-HOME CARE BY REPORTING PERIOD



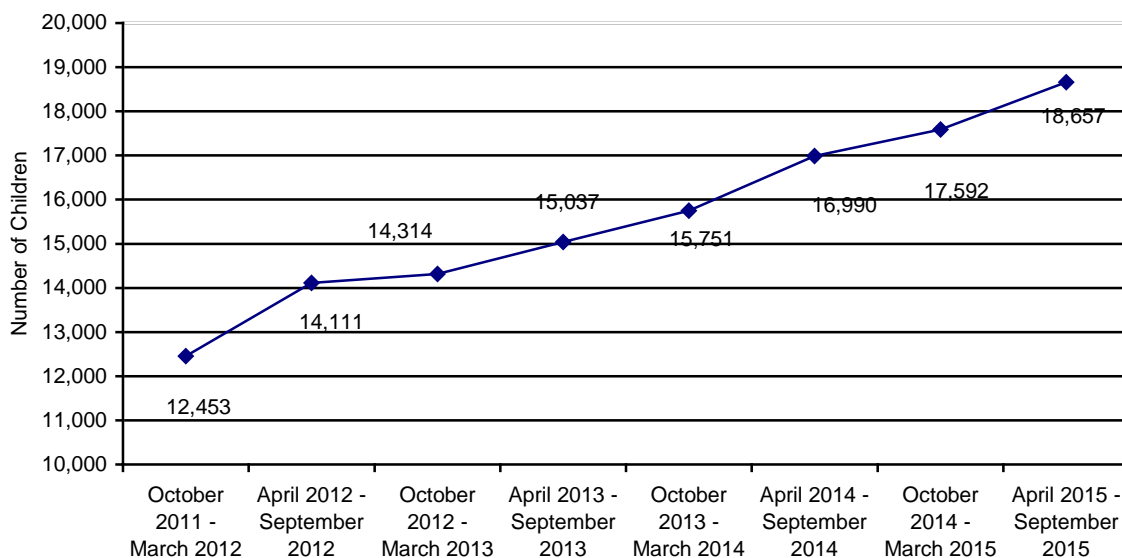
Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015****CHILDREN IN OUT-OF-HOME CARE**

Chart 20 below shows the number of children in out-of-home care on the last day of the current and past reporting periods.

On the last day of the current reporting period, 14,863 children, approximately 80 percent, of all children in out-of-home care were placed in family settings either with relatives, in foster homes or trial home visit with a parent. Placement information for children in out-of-home care for the current and prior reporting periods can be found in Chart 27. See Table 33 for the out-of-home population organized to show the number of children, grouped by age, in each placement type for the current reporting period.

For information on the age distribution of children in out-of-home care, see Chart 24, which displays this information for the current and prior reporting periods. The ethnicity of children in out-of-home care for the current and prior reporting periods is displayed in Chart 25.

CHART 20
NUMBER OF CHILDREN IN OUT-OF-HOME CARE ON THE LAST DAY OF THE
REPORTING PERIOD BY REPORTING PERIOD



Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 21
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY AGE

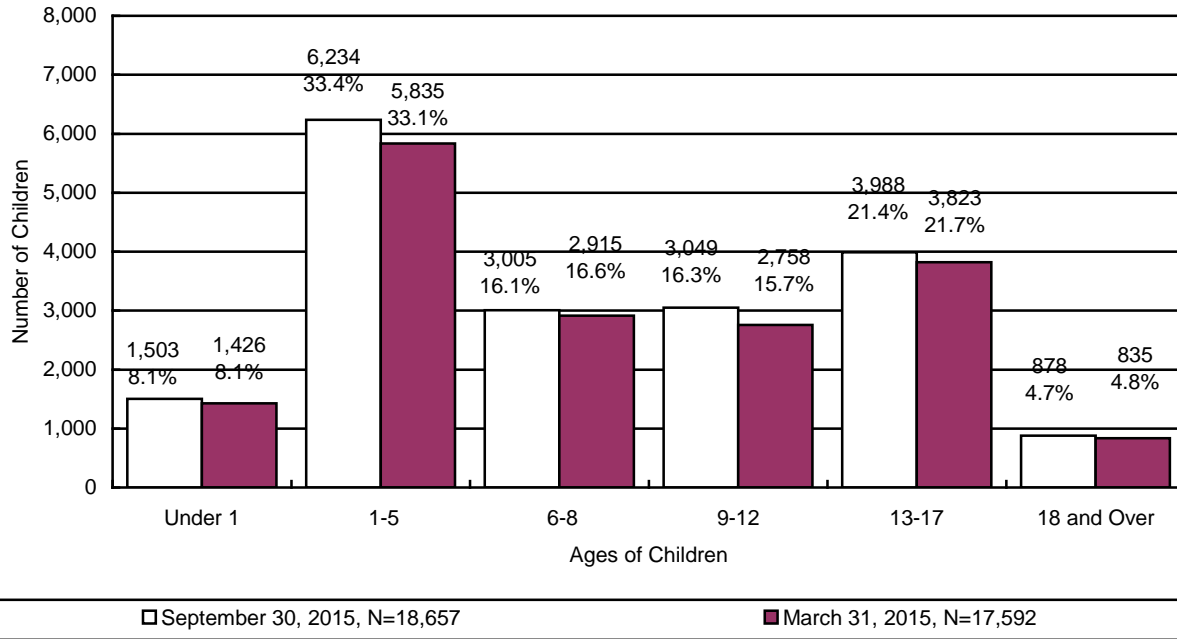
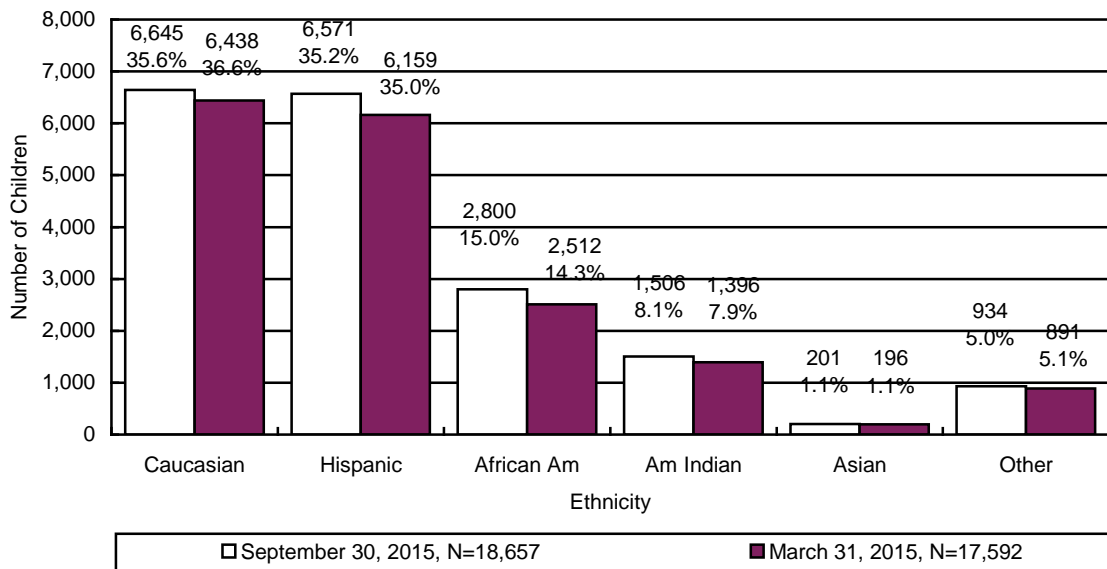


CHART 22
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY ETHNICITY



For 54.9 percent of the children in out-of-home care, family reunification remains the primary case plan goal. See Chart 23 for additional detail on the case plan goals of children in out-of-home care.

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

CHART 23
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY CASE PLAN GOAL

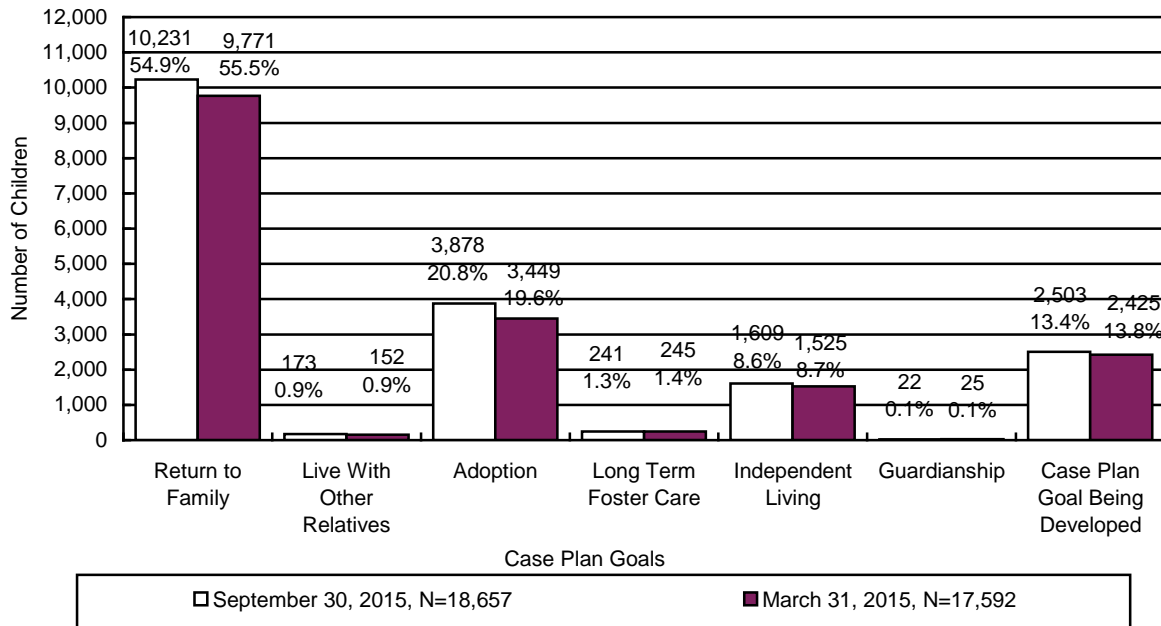
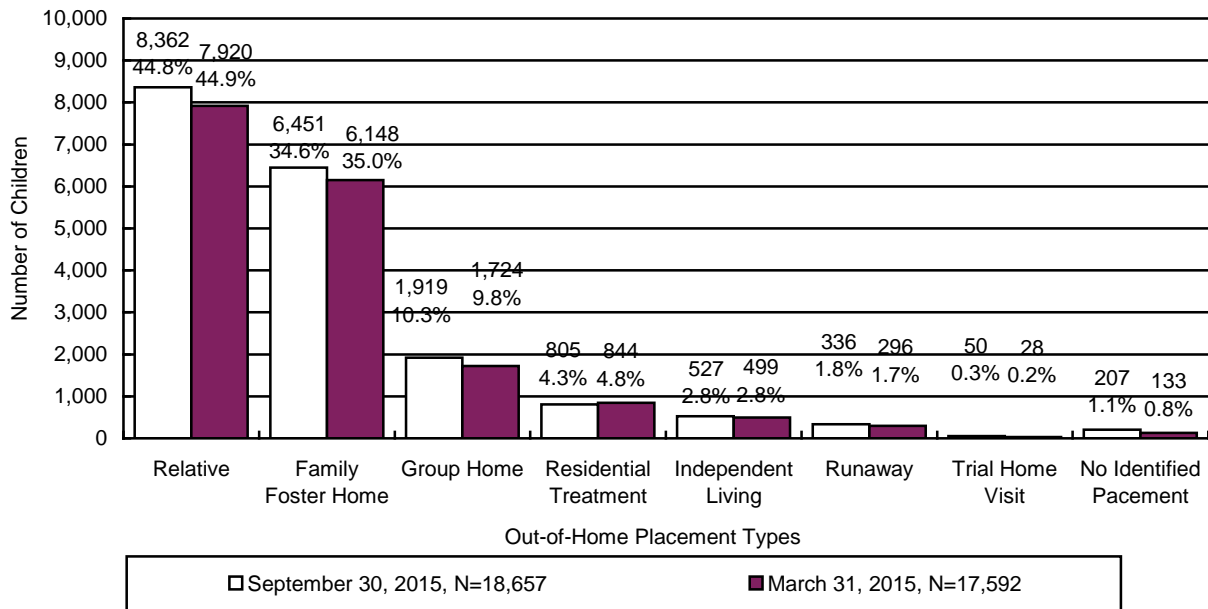


CHART 24
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY PLACEMENT TYPE⁴



⁴ In every reporting cycle DCS has children who, in the CHILDS database, do not have a placement identified when the data extract has run due to delays in CHILDS entry. It has been the historical practice of the Department to proportionally allocate the unidentified children across the placement types, but they are now reflected in a standalone category. The timeliness of CHILDS data entry is expected to increase as processes are standardized and workloads become more manageable.

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

TABLE 33
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY PLACEMENT TYPE AND AGE

	RELATIVE	FAMILY FOSTER	GROUP HOME	RESIDENTIAL TREATMENT ⁵	INDEPENDENT LIVING	RUNAWAY / ABSCONDED ⁶	TRIAL HOME VISIT	NO IDENTIFIED PLACEMENT	TOTAL	% OF TOTAL
UNDER 1	681	796	1	9	0	5	2	9	1,503	8.1%
1	828	777	11	16	0	2	4	8	1,646	8.8%
2	725	599	7	23	0	1	0	11	1,366	7.3%
3	614	507	12	17	0	1	3	11	1,165	6.2%
4	545	434	21	31	0	1	1	11	1,044	5.6%
5	544	411	25	25	0	1	2	5	1,013	5.4%
6	566	388	39	23	0	3	4	7	1,030	5.5%
7	550	377	69	21	0	1	1	5	1,024	5.5%
8	525	327	74	18	0	0	0	7	951	5.1%
9	457	308	90	22	0	3	1	6	887	4.8%
10	424	256	110	23	0	1	3	9	826	4.4%
11	358	199	96	20	0	2	1	8	684	3.7%
12	300	179	131	27	0	2	4	9	652	3.5%
13	277	155	152	42	0	4	2	12	644	3.5%
14	275	166	176	66	0	20	6	11	720	3.9%
15	241	158	237	87	0	51	3	14	791	4.2%
16	221	174	269	109	0	91	3	18	885	4.7%
17	193	171	303	118	7	123	7	26	948	5.1%
18 & OLDER	38	69	96	108	520	24	3	20	878	4.7%
TOTAL	8,362	6,451	1,919	805	527	336	50	207	18,657	100.0%
% OF TOTAL	44.8%	34.6%	10.3%	4.3%	2.8%	1.8%	0.3%	1.1%	100.0%	

⁵ This category includes shelter, detention, and hospital placement types.

⁶ This category includes children whose parents absconded with the child(ren) during this reporting period.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

During the reporting period 878 children remained in a shelter or receiving home for more than 21 consecutive days. Chart 25 displays children by age grouping who remained in shelter more than 21 days for the current reporting period.

CHART 25
NUMBER AND PERCENTAGE OF CHILDREN IN SHELTER OR RECEIVING HOMES FOR MORE THAN 21 CONSECUTIVE DAYS BY AGE OF CHILD⁷

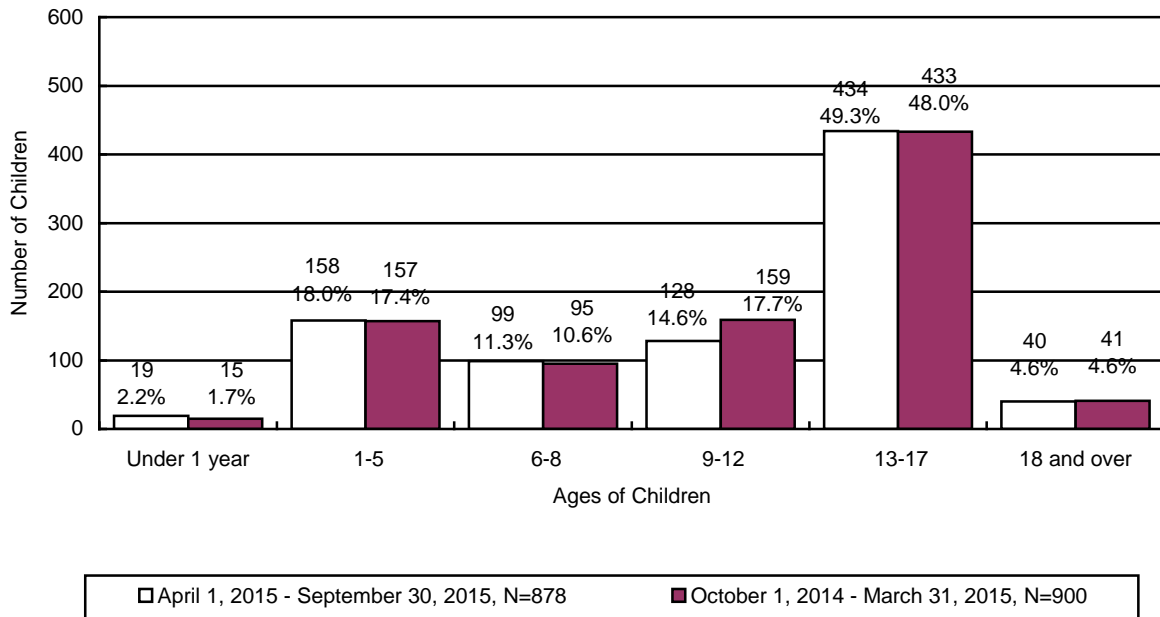
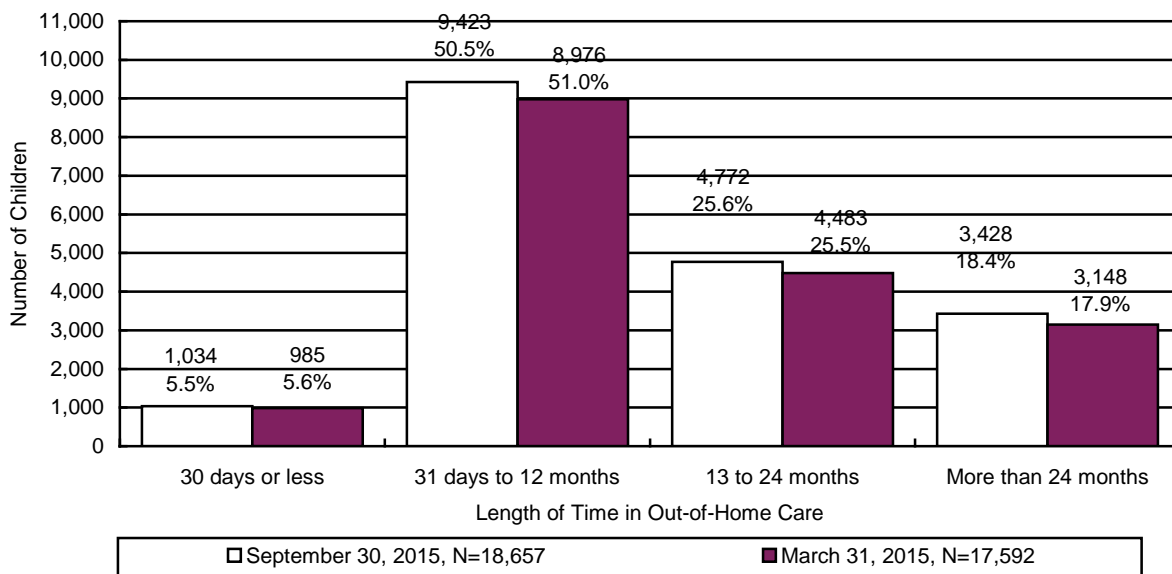


CHART 26
THE NUMBER OF CHILDREN IN OUT-OF-HOME CARE BY LENGTH OF TIME IN CARE



⁷ The chart displays children who spent more than 21 days in a shelter during the period. This number differs from the other out-of-home charts as they display children in out-of-home care on the last day of the reporting period.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

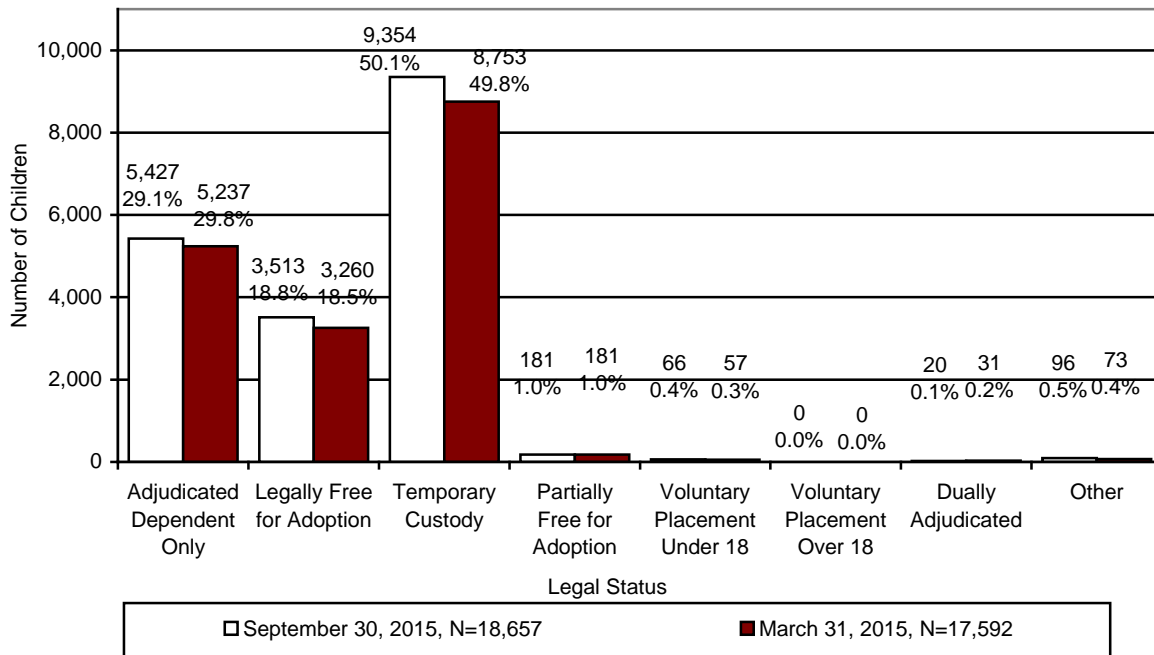
Information on the number of placements in terms of the average, median, and range for children in out-of-home care on the last day of the reporting period is shown in Table 34.

TABLE 34
PLACEMENT INFORMATION FOR CHILDREN IN
OUT-OF-HOME CARE ON SEPTEMBER 30, 2015

	Placements
Average	2.3
Median	2.0
Range Minimum	1
Range Maximum	59 ⁸

Chart 27 displays the legal status of the children in out-of-home care for the current and prior reporting periods. As is shown by the graph, the vast majority of children in out-of-home care fall into one of three legal statuses – adjudicated dependent, legally free for adoption, and children in the Department’s temporary custody.

CHART 27
CHILDREN IN OUT-OF-HOME CARE BY LEGAL STATUS

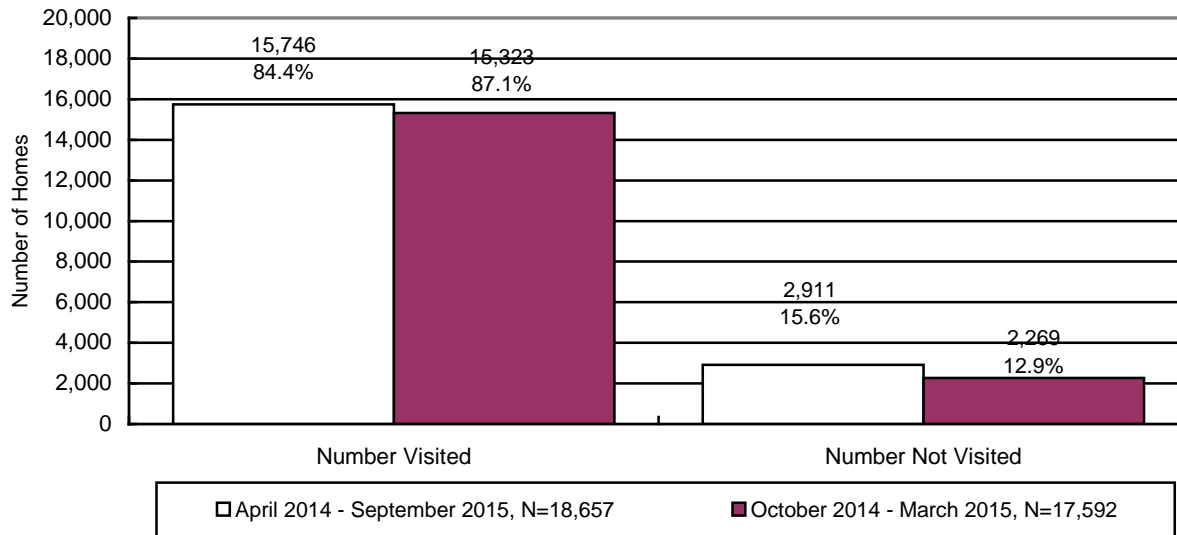


⁸ Some children are so impacted by the severity of the abuse they have suffered, that they become unable to form meaningful relationships or to respond to services. These children tend to go through multiple placements with numerous individuals and agencies.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

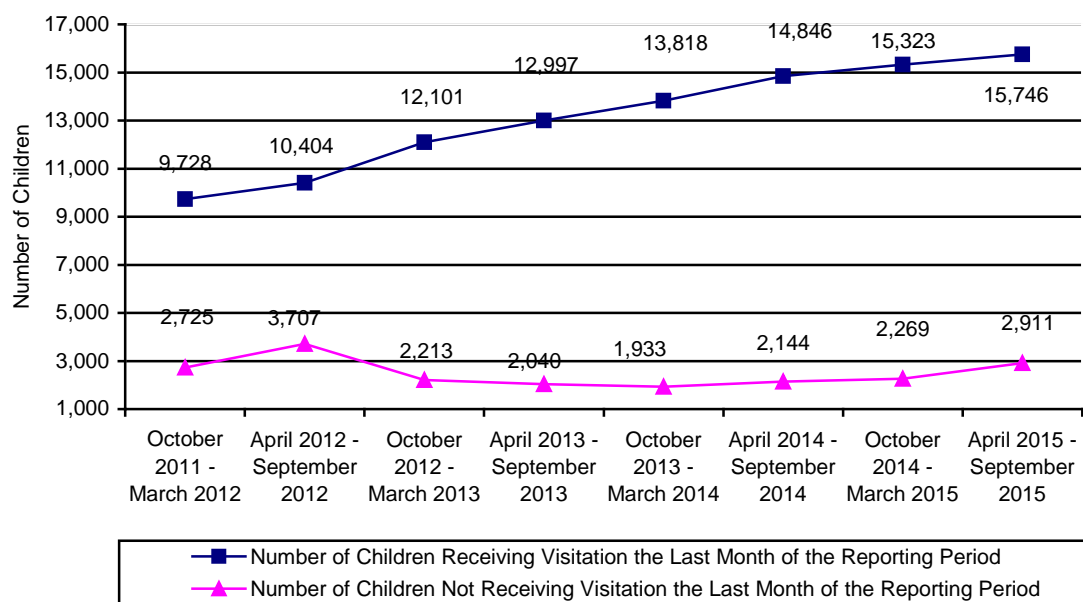
At the end of the reporting period there were 18,657 children in out-of-home care who required visitation. Of these children, visitation was documented in the automated system for 15,746 children.

CHART 28
THE NUMBER AND PERCENTAGE OF CHILDREN WHO RECEIVED THE REQUIRED VISITATION



Department policy requires specialists to have face-to-face contact with all parents at least once a month, including any alleged parents and parents residing outside of the child's home where the case plan goal is family reunification. During the current reporting period, there were 3,096 parents who had a child with the case plan goal of reunification. Of those parents requiring visitation, 1,576 (50.9 percent) received the required visitation. This number does not reflect attempted visitation where contact with the parent(s) did not take place.

CHART 29
NUMBER OF CHILDREN RECEIVING AND NOT RECEIVING VISITATION BY REPORTING PERIOD



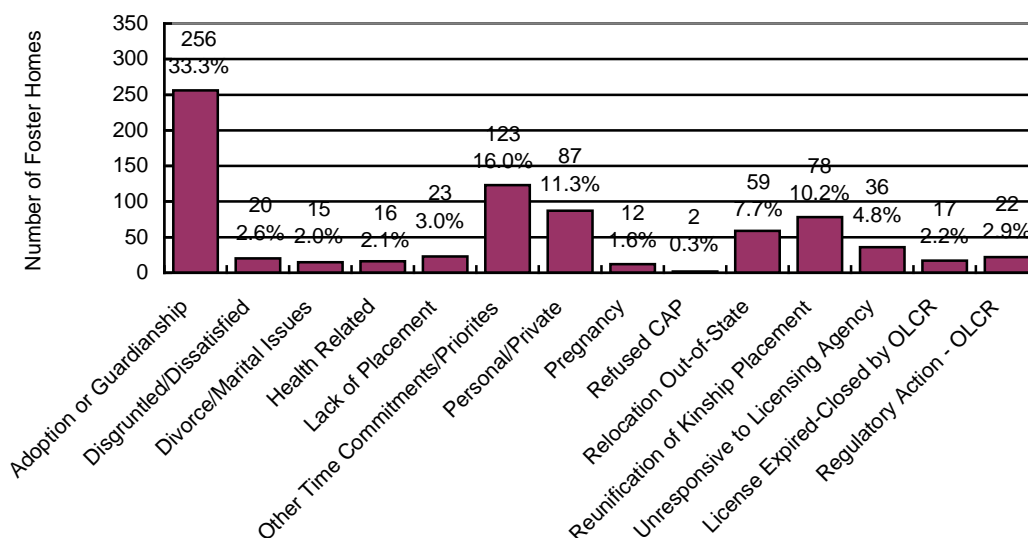
Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015****FOSTER HOME LICENSING, CLOSURES, & VISITATION**

As of September 30, 2015, there were 4,551⁹ foster homes licensed for a total capacity of 9,114 spaces. Of the spaces, 2,431 are reported by contractors to be unavailable for placements. Reasons for this include, but are not limited to, licensing restrictions on age, bed holds for youth in treatment or hospitalization, foster parents' need for temporary reprieve from placements and corrective action plans. In addition, 975 spaces in available foster homes were unused spaces. This occurs when a match between the available spaces and children's needs was not possible. Unused spaces may be, but are not limited to, the result of a denial by foster parents and/or contractors to the Department's request for placement due to the severity of child's needs, potential risk to other children in the home, the distance of a foster home from child's family and/or lack of unique services in the foster home's vicinity.

Licensed foster homes include family foster homes, professional family foster homes (HCTC homes), respite foster homes, receiving foster homes, and developmentally disabled homes with DCS children placed in them. Foster home licenses specify the age range, gender and maximum number of children that can be placed in a home. Foster parents, in consultation with the licensing worker, decide the type of physical, behavioral, and psychological needs of children they can effectively parent based upon their own skill level, experiences, and desires.

During the current reporting period, 774 new homes were licensed to provide foster care and 767 homes left the system. This compares to 821 new homes being licensed and 785 homes leaving the system during the prior reporting period. The following chart gives the reasons for foster home closures for the current reporting period.

CHART 30
REASON FOR FOSTER HOME CLOSURE FOR THE PERIOD OF
APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015



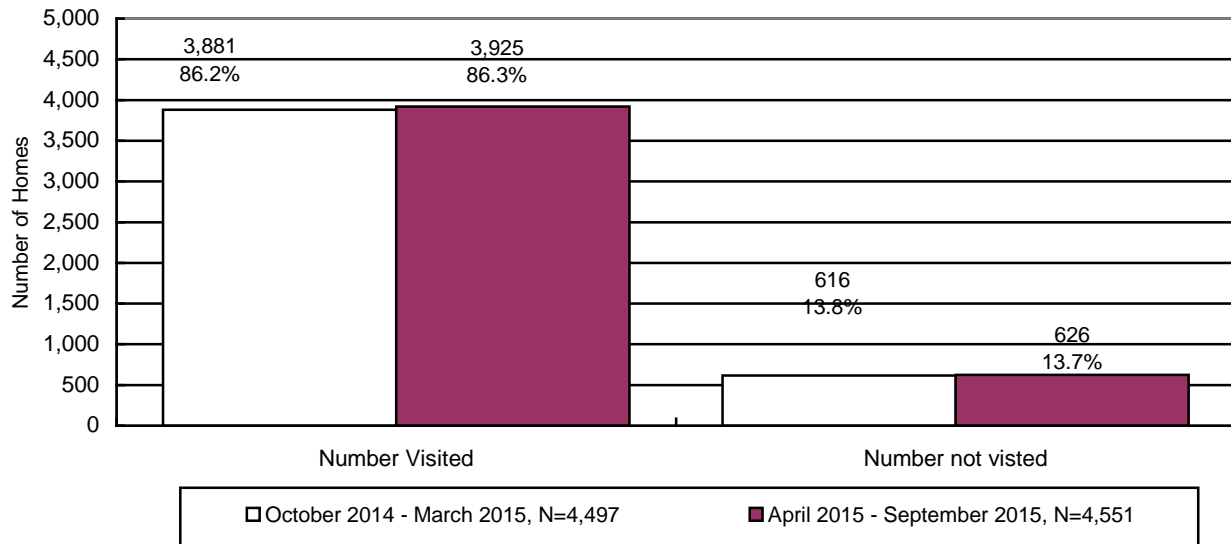
N=767

⁹ The number of homes cited in this report differs from the number cited by the Office of Licensing, Certification & Regulation (OLCR) due to the fact that the DCS utilizes both foster homes managed through HRSS contracts as well as homes that are licensed for developmental disabilities, licensed by the tribes, etc.

Child Welfare Reporting Requirements**April 1, 2015 - September 30, 2015**

Chart 31 displays the number of foster homes that received the required visitation in the current and prior reporting periods. The Department believes that more foster homes received the required visitation than is indicated in the chart below. The under-reporting of foster home visitation is attributable to the lack of automation being used in reporting the foster home visitation process. The Department recognizes this as a problem and is working to correct this issue.

CHART 31
THE NUMBER AND PERCENTAGE OF FOSTER HOMES WHO RECEIVED THE
REQUIRED VISITATION*



*Required visitations to foster homes, for license monitoring purposes, are performed by licensing case managers and are part of the HRSS contract.

Child Welfare Reporting Requirements

April 1, 2015 - September 30, 2015

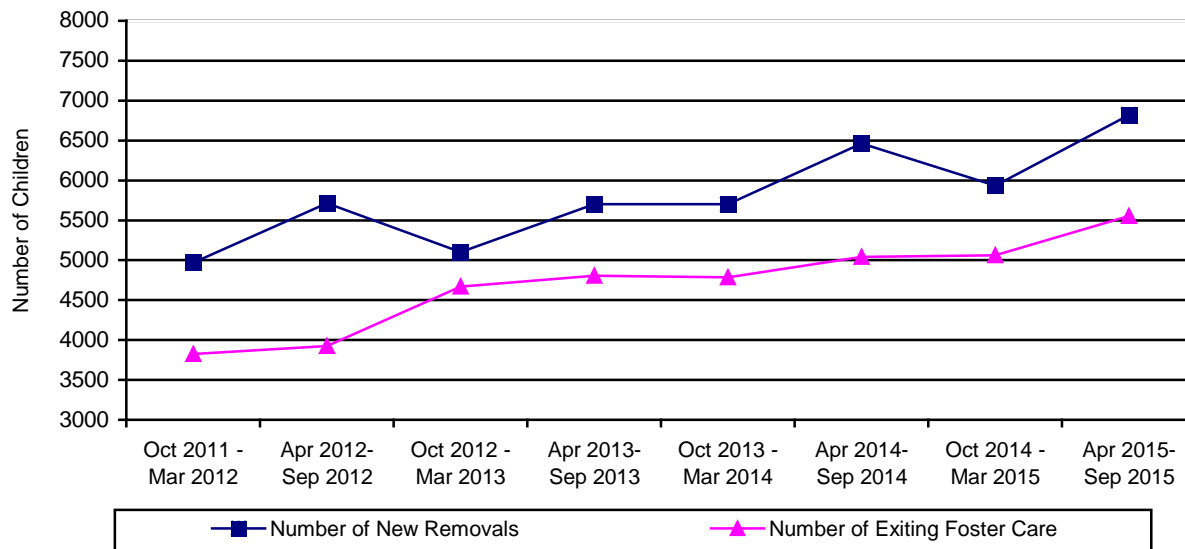
CHILDREN EXITING OUT-OF-HOME CARE

Table 35 below shows the history of the number of children who left the custody of the Department.

**TABLE 35
CHILDREN EXITING OUT-OF-HOME CARE BY PERIOD**

REPORTING PERIOD	NUMBER OF CHILDREN DISCHARGED	% CHANGE OVER PRIOR PERIOD
OCTOBER 2011 – MARCH 2012	3,826	+7.1%
APRIL 2012 – SEPTEMBER 2012	3,923	+2.5%
OCTOBER 2012 – MARCH 2013	4,668	+19.0%
APRIL 2013 – SEPTEMBER 2013	4,805	+2.9%
OCTOBER 2013 – MARCH 2014	4,786	-0.4%
APRIL 2014 – SEPTEMBER 2014	5,042	+5.3%
OCTOBER 2014 – MARCH 2015	5,063	+0.4%
APRIL 2015 – SEPTEMBER 2015	5,555	+10.2%

**CHART 32
CHILDREN ENTERING AND EXITING OUT-OF-HOME CARE BY REPORTING PERIOD**



The following nine tables depict the children who exited out-of-home care by reason. The tables display the following information: reasons the child left custody, their age, their ethnicity, the number of placements each child had, and the length of time in out-of-home care.

Child Welfare Reporting Requirements

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TABLE 36
TOTAL NUMBER OF CHILDREN EXITING DCS CUSTODY FOR THE END OF THE
REPORTING PERIOD ENDING ON SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	293	5.3%
Ages 1 to 5	2,008	36.1%
Ages 6 to 8	966	17.4%
Ages 9 to 12	873	15.7%
Ages 13 to 17	992	17.9%
18 and Over	423	7.6%
Total	5,555	100.0%
Ethnicity	Number	Percentage
Caucasian	2,112	38.0%
Hispanic	1,851	33.3%
African American	782	14.1%
American Indian	446	8.0%
Asian	77	1.4%
Other	287	5.2%
Total	5,555	100.0%
By Number of Placements	Number	Percentage
One	2,961	53.3%
Two	1,308	23.6%
Three	596	10.7%
Four	285	5.1%
Five	137	2.5%
More than Five	268	4.8%
Total	5,555	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	885	15.9%
31 Days to 12 Months	1,759	31.7%
13 to 24 Months	1,626	29.3%
More than 24 Months	1,285	23.1%
Total	5,555	100.0%

	Average	Median
By Age	8.4	7.4
By Number of Placements	2.1	1.0
By Months of Time in Care	16.2	13.7

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TABLE 37
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF “REUNIFICATION WITH PARENTS OR PRIMARY CARETAKER” FOR
THE REPORTING PERIOD ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	241	7.8%
Ages 1 to 5	1,078	34.8%
Ages 6 to 8	593	19.1%
Ages 9 to 12	541	17.4%
Ages 13 to 17	645	20.8%
18 and Over	4	0.1%
Total	3,102	100.0%
Ethnicity	Number	Percentage
Caucasian	1,156	37.3%
Hispanic	1,012	32.6%
African American	468	15.1%
American Indian	209	6.7%
Asian	46	1.5%
Other	211	6.8%
Total	3,102	100.0%
By Number of Placements	Number	Percentage
One	1,833	59.1%
Two	740	23.9%
Three	289	9.3%
Four	125	4.0%
Five	57	1.8%
More than Five	58	1.9%
Total	3,102	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	791	25.5%
31 Days to 12 Months	1,409	45.4%
13 to 24 Months	700	22.6%
More than 24 Months	202	6.5%
Total	3,102	100.0%

	Average	Median
By Age	7.8	7.1
By Number of Placements	1.7	1.0
By Months of Time in Care	9.3	8.1

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TABLE 38
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF “LIVING WITH OTHER RELATIVES” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	3	11.1%
Ages 1 to 5	6	22.2%
Ages 6 to 8	6	22.2%
Ages 9 to 12	6	22.2%
Ages 13 to 17	5	18.6%
18 and Over	1	3.7%
Total	27	100.0%
Ethnicity	Number	Percentage
Caucasian	12	44.5%
Hispanic	11	40.7%
African American	2	7.4%
American Indian	1	3.7%
Asian	0	0.0%
Other	1	3.7%
Total	27	100.0%
By Number of Placements	Number	Percentage
One	24	88.9%
Two	2	7.4%
Three	0	0.0%
Four	0	0.0%
Five	0	0.0%
More than Five	1	3.7%
Total	27	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	19	70.4%
31 Days to 12 Months	4	14.8%
13 to 24 Months	3	11.1%
More than 24 Months	1	3.7%
Total	27	100.0%

	Average	Median
By Age	8.4	8.1
By Number of Placements	1.3	1.0
By Months of Time in Care	4.6	0.2

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TABLE 39
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS
CUSTODY FOR REASON OF “ADOPTION” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	30	1.9%
Ages 1 to 5	848	53.9%
Ages 6 to 8	303	19.2%
Ages 9 to 12	245	15.5%
Ages 13 to 17	150	9.5%
18 and Over	0	0.0%
Total	1,576	100.0%
Ethnicity	Number	Percentage
Caucasian	629	39.9%
Hispanic	562	35.7%
African American	200	12.7%
American Indian	120	7.6%
Asian	17	1.1%
Other	48	3.0%
Total	1,576	100.0%
By Number of Placements	Number	Percentage
One	740	46.9%
Two	438	27.8%
Three	201	12.8%
Four	96	6.1%
Five	47	3.0%
More than Five	54	3.4%
Total	1,576	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	1	0.1%
31 Days to 12 Months	104	6.6%
13 to 24 Months	677	43.0%
More than 24 Months	794	50.3%
Total	1,576	100.0%

	Average	Median
By Age	6.2	5.1
By Number of Placements	2.1	2.0
By Months of Time in Care	25.7	24.2

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TABLE 40
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF “GUARDIANSHIP” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	10	2.9%
Ages 1 to 5	54	15.7%
Ages 6 to 8	51	14.9%
Ages 9 to 12	70	20.4%
Ages 13 to 17	158	46.1%
18 and Over	0	0.0%
Total	343	100.0%
Ethnicity	Number	Percentage
Caucasian	119	34.7%
Hispanic	112	32.7%
African American	39	11.4%
American Indian	57	16.6%
Asian	8	2.3%
Other	8	2.3%
Total	343	100.0%
By Number of Placements	Number	Percentage
One	208	60.6%
Two	59	17.2%
Three	43	12.5%
Four	23	6.7%
Five	5	1.5%
More than Five	5	1.5%
Total	343	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	27	7.9%
31 Days to 12 Months	113	32.9%
13 to 24 Months	153	44.6%
More than 24 Months	50	14.6%
Total	343	100.0%

	Average	Median
By Age	11.1	11.9
By Number of Placements	1.8	1.0
By Months of Time in Care	15.2	14.7

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TABLE 41
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASONS OF “REACHING AGE OF MAJORITY” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	0	0.0%
Ages 1 to 5	0	0.0%
Ages 6 to 8	0	0.0%
Ages 9 to 12	0	0.0%
Ages 13 to 17	0	0.0%
18 and Over	406	100.0%
Total	406	100.0%
Ethnicity	Number	Percentage
Caucasian	167	41.2%
Hispanic	138	34.0%
African American	62	15.3%
American Indian	29	7.1%
Asian	5	1.2%
Other	5	1.2%
Total	406	100.0%
By Number of Placements	Number	Percentage
One	94	23.2%
Two	52	12.8%
Three	56	13.8%
Four	38	9.4%
Five	27	6.7%
More than Five	139	34.1%
Total	406	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	9	2.2%
31 Days to 12 Months	95	23.4%
13 to 24 Months	78	19.2%
More than 24 Months	224	55.2%
Total	406	100.0%

	Average	Median
By Age	18.7	18.1
By Number of Placements	5.3	4.0
By Months of Time in Care	35.4	27.2

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TABLE 42
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF “TRANSFER TO ANOTHER AGENCY” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	6	9.7%
Ages 1 to 5	22	35.5%
Ages 6 to 8	13	21.0%
Ages 9 to 12	10	16.1%
Ages 13 to 17	10	16.1%
18 and Over	1	1.6%
Total	62	100.0%
Ethnicity	Number	Percentage
Caucasian	14	22.6%
Hispanic	7	11.3%
African American	5	8.1%
American Indian	28	45.1%
Asian	0	0.0%
Other	8	12.9%
Total	62	100.0%
By Number of Placements	Number	Percentage
One	36	58.1%
Two	15	24.2%
Three	3	4.8%
Four	2	3.2%
Five	0	0.0%
More than Five	6	9.7%
Total	62	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	23	37.1%
31 Days to 12 Months	21	33.9%
13 to 24 Months	9	14.5%
More than 24 Months	9	14.5%
Total	62	100.0%

	Average	Median
By Age	11.1	11.9
By Number of Placements	1.8	1.0
By Months of Time in Care	15.2	14.7

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TABLE 43
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF “RUNAWAY” FOR THE REPORTING PERIOD
ENDING SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	0	0.0%
Ages 1 to 5	0	0.0%
Ages 6 to 8	0	0.0%
Ages 9 to 12	1	3.0%
Ages 13 to 17	21	63.7%
18 and Over	11	33.3%
Total	33	100.0%
Ethnicity	Number	Percentage
Caucasian	13	39.3%
Hispanic	7	21.2%
African American	5	15.2%
American Indian	2	6.1%
Asian	1	3.0%
Other	5	15.2%
Total	33	100.0%
By Number of Placements	Number	Percentage
One	22	66.7%
Two	1	3.0%
Three	3	9.1%
Four	1	3.0%
Five	1	3.0%
More than Five	5	15.2%
Total	33	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	15	45.5%
31 Days to 12 Months	8	24.2%
13 to 24 Months	6	18.2%
More than 24 Months	4	12.1%
Total	33	100.0%

	Average	Median
By Age	17.1	17.5
By Number of Placements	2.7	1.0
By Months of Time in Care	10.0	1.3

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TABLE 44
NUMBER AND PERCENTAGE OF CHILDREN EXITING DCS CUSTODY
FOR REASON OF "DEATH OF CHILD" FOR THE REPORTING PERIOD ENDING
SEPTEMBER 30, 2015

By Age	Number	Percentage
Under 1	3	50.0%
Ages 1 to 5	0	0.0%
Ages 6 to 8	0	0.0%
Ages 9 to 12	0	0.0%
Ages 13 to 17	3	50.0%
18 and Over	0	0.0%
Total	6	100.0%
Ethnicity	Number	Percentage
Caucasian	2	33.3%
Hispanic	2	33.3%
African American	1	16.7%
American Indian	0	0.0%
Asian	0	0.0%
Other	1	16.7%
Total	6	100.0%
By Number of Placements	Number	Percentage
One	4	66.6%
Two	1	16.7%
Three	1	16.7%
Four	0	0.0%
Five	0	0.0%
More than Five	0	0.0%
Total	6	100.0%
By Length of Time in Care	Number	Percentage
Less than 30 Days	0	0.0%
31 Days to 12 Months	5	83.3%
13 to 24 Months	0	0.0%
More than 24 Months	1	16.7%
Total	6	100.0%

	Average	Median
By Age	8.2	7.6
By Number of Placements	1.5	1.0
By Months of Time in Care	12.4	4.6

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TABLE 45
CHILDREN EXITING CARE FOR REASON OF DEATH BY CAUSE OF DEATH,
PLACEMENT TYPE AT TIME OF DEATH, AND COUNTY

COUNTY	CAUSE OF DEATH	TYPE OF PLACEMENT AT TIME OF DEATH
Maricopa	Asthma and respiratory factors	DDD Foster Home
Maricopa	Unknown; child was born premature and substance exposed	Hospital – Hacienda Health Care (skilled nursing facility)
Maricopa	Pneumonia and respiratory failure	Non relative foster home
Pima	Suicide	Runaway
Pima	Kidney failure	Hospice
Pinal	Unable to determine	Relative foster home

TABLE 46
NUMBER OF CHILDREN IN AN OPEN CASE WHO DIED AS A RESULT OF ALLEGED
ABUSE AS CATEGORIZED BY THE CUSTODIAL RELATIONSHIP AND COUNTY FOR THE
PERIOD APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	BIOLOGICAL PARENT(S)	OTHER FAMILY MEMBER	ADOPTIVE PARENT(S)	FOSTER CARE PARENT(S)	OTHER OUT-OF-HOME CARE PROVIDER	TOTAL	% OF TOTAL
APACHE	0	0	0	0	0	0	0.0%
COCHISE	0	0	0	0	0	0	0.0%
COCONINO	0	0	0	0	0	0	0.0%
GILA	0	0	0	0	0	0	0.0%
GRAHAM	0	0	0	0	0	0	0.0%
GREENLEE	0	0	0	0	0	0	0.0%
LA PAZ	0	0	0	0	0	0	0.0%
MARICOPA	3	0	0	2	0	5	62.5%
MOHAVE	2	0	0	0	0	2	25.0%
NAVAJO	0	0	0	0	0	0	0.0%
PIMA	0	0	0	0	0	0	0.0%
PINAL	1	0	0	0	0	1	12.5%
SANTA CRUZ	0	0	0	0	0	0	0.0%
YAVAPAI	0	0	0	0	0	0	0.0%
YUMA	0	0	0	0	0	0	0.0%
STATEWIDE	6	0	0	2	0	8	100.0%
% OF TOTAL	75.0%	0.0%	0.0%	25.0%	0.0%	100.0%	

The number of child maltreatment deaths presented in the Semi-Annual Report is not comparable to child maltreatment deaths reported on the website by the Arizona Department of Health Services (ADHS).

- DCS posts information in accordance with A.R.S. § 8-807 on child fatalities due to abuse or neglect by the child's parent, custodian or caregiver at: <https://dcs.az.gov/news/child-fatalities-near-fatalities-information-releases>.
- This information is posted when the information comes to DCS's attention and a final determination of the fatality due to abuse or neglect has been made by either a substantiated finding or specific criminal charges filed against a parent, guardian or caregiver for causing the fatality.
- The information that comes to DCS's attention and the determination of the fatality due to abuse or neglect may occur sometime after the actual incident for a number of reasons including a

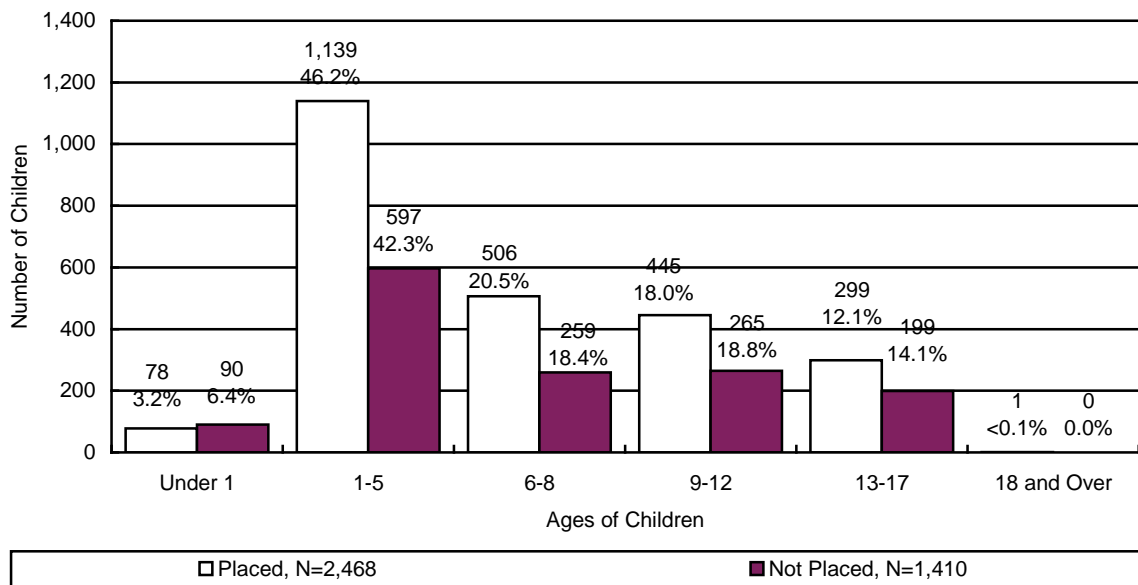
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determination by a medical professional, a medical examiner, or a criminal child abuse arrest and charge of the perpetrator.

CHILDREN WITH CASE PLAN GOALS OF ADOPTION

Of the 18,657 children in out-of-home care on September 30, 2015, there were 3,878 or 20.8% who had a case plan goal of adoption. Of those, 2,468 have been placed in an adoptive home and another 1,410 have not been placed. The age and ethnicity of the children with a case plan goal of adoption is displayed in Chart 33 and Chart 34.

CHART 33
THE PLACEMENT AND NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF
ADOPTION BY AGE



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CHART 34
THE PLACEMENT AND NUMBER OF CHILDREN WITH A CASE
PLAN GOAL OF ADOPTION BY ETHNICITY

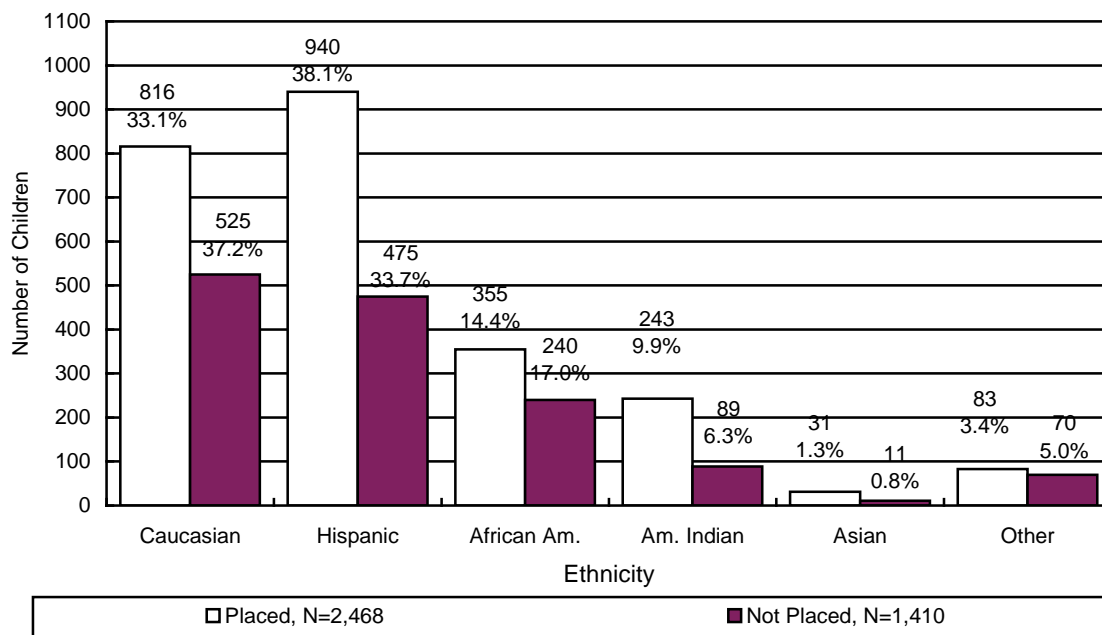


TABLE 47
NUMBER OF CHILDREN WITH A PETITION FOR TERMINATION OF PARENTAL RIGHTS
BY COUNTY FOR THE PERIOD APRIL 1, 2015 THROUGH SEPTEMBER 30, 2015

COUNTY	TERMINATION OF RIGHTS GRANTED	TERMINATION OF RIGHTS DENIED	TERMINATION OF RIGHTS GRANTED IN PART/DENIED IN PART	TERMINATION OF RIGHTS WITHDRAWN	TOTAL	% OF TOTAL
APACHE	5	0	0	0	5	0.2%
COCHISE	50	0	0	0	50	2.2%
COCONINO	20	0	0	0	20	0.9%
GILA	38	1	0	0	39	1.7%
GRAHAM	9	0	0	0	9	0.4%
GREENLEE	8	0	0	0	8	0.4%
LA PAZ	1	0	0	0	1	<0.1%
MARICOPA	965	1	0	4	970	43.2%
MOHAVE	61	0	0	0	61	2.7%
NAVAJO	31	0	0	0	31	1.4%
PIMA	635	2	0	3	640	28.5%
PINAL	269	3	0	0	272	12.1%
SANTA CRUZ	9	0	0	1	10	0.5%
YAVAPAI	47	0	0	0	47	2.1%
YUMA	84	0	0	0	84	3.7%
STATEWIDE	2,232	7	0	8	2,247	100.0%
% OF TOTAL	99.3%	0.3%	0.0%	0.4%	100.0%	

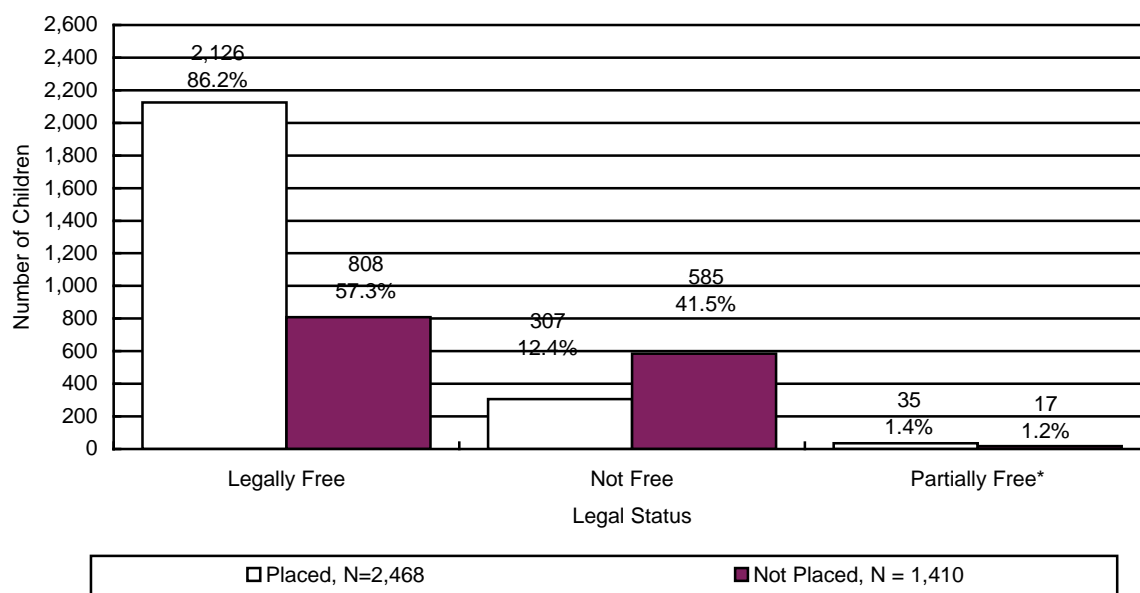
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The average length of time that a child with a case plan goal of “adoption” has spent in out-of-home care is 2 years and 10 days. Information on the number of placements in terms of the average, median, and range for children with a case plan goal of adoption is shown below in Table 48.

TABLE 48
PLACEMENT INFORMATION FOR CHILDREN WITH A CASE PLAN GOAL OF ADOPTION

	Placements
Average	2.6
Median	2.0
Range Minimum	1
Range Maximum	40

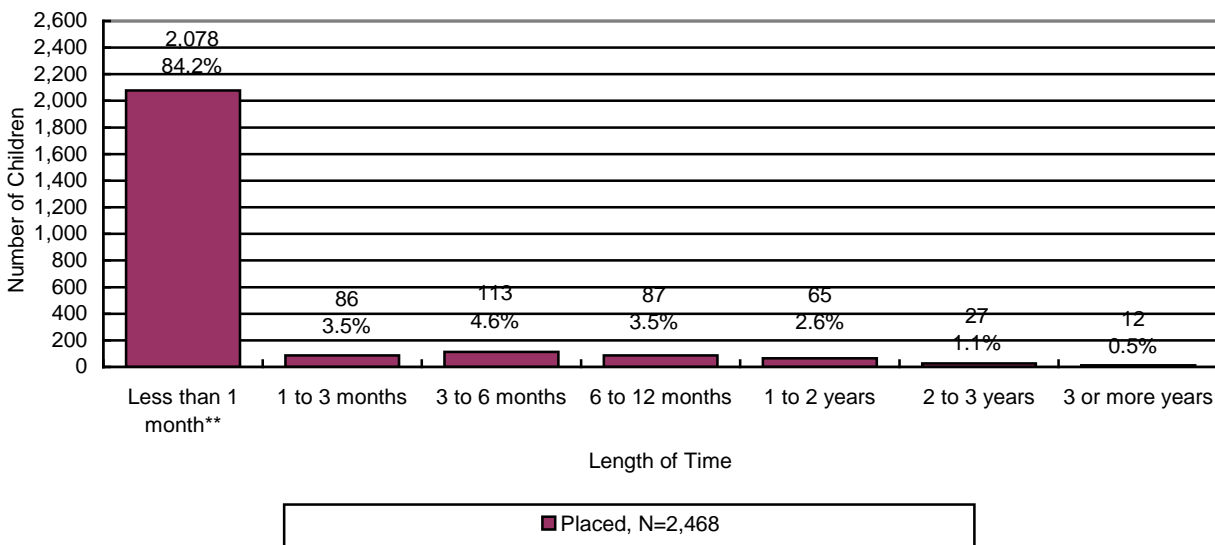
CHART 35
THE PLACEMENT AND NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION BY LEGAL STATUS



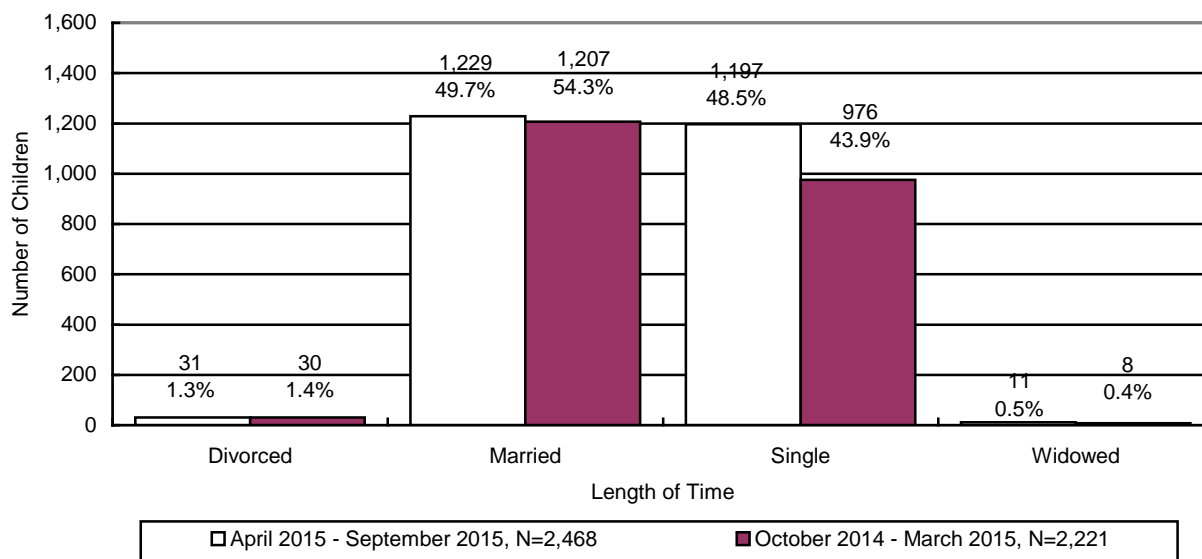
*Partially free refers to a situation where only one of the parent’s rights has been severed.

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CHART 36**THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION BY LENGTH OF TIME FROM CHANGE OF CASE PLAN GOAL OF ADOPTION TO ADOPTIVE PLACEMENT**

**Approximately 70 percent of children are adopted by relatives or their foster parents and are already in their prospective adoptive placement at the time the case plan goal changes to adoption.

CHART 37**THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION WHO WERE IN AN ADOPTIVE PLACEMENT BY THE MARITAL STATUS OF THE ADOPTIVE PARENT**

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CHART 38
THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION WHO WERE IN
AN ADOPTIVE PLACEMENT BY THE RELATIONSHIP OF THE ADOPTIVE PARENT

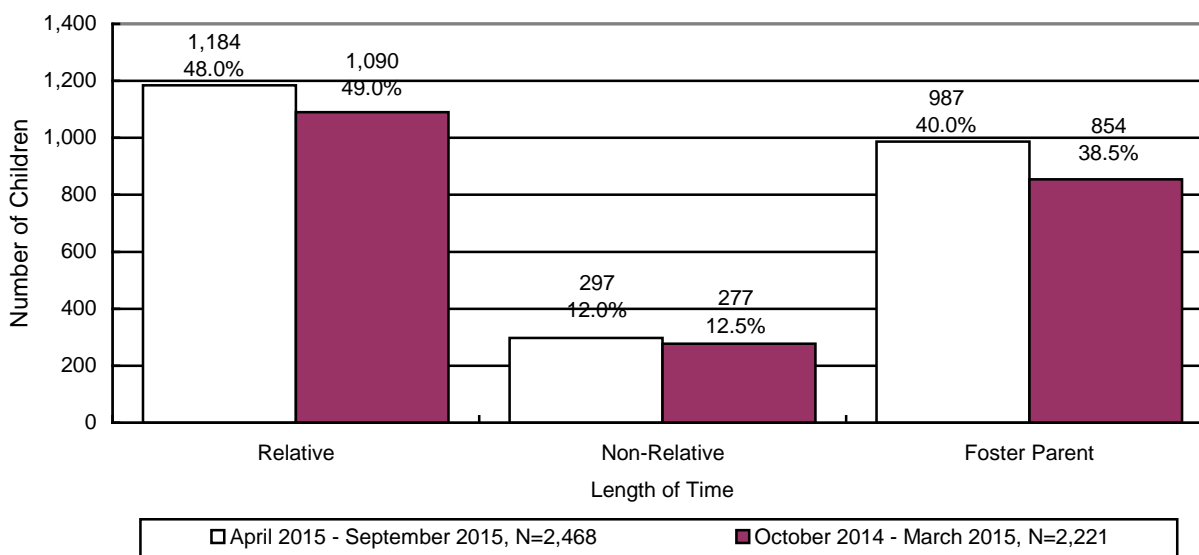
**DISRUPTIONS**

TABLE 49
THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION WHO WERE IN
AN ADOPTIVE PLACEMENT AND DISRUPTED BY AGE AND ETHNICITY

By Age	Number	Percentage
Under 1	0	0.0%
Ages 1 – 5	0	0.0%
Ages 6 – 8	0	0.0%
Ages 9 – 12	0	0.0%
Ages 13 – 17	3	100.0%
18 and Over	0	0.0%
Total	3	100.0%
Ethnicity	Number	Percentage
Caucasian	1	33.3%
Hispanic	1	33.3%
African American	1	33.3%
American Indian	0	0.0%
Asian	0	0.0%
Other	0	0.0%
Total	3	100.0%

CHART 39
THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION WHO WERE IN
AN ADOPTIVE PLACEMENT AND DISRUPTED BY THE MARITAL STATUS OF THE
ADOPTIVE PARENT

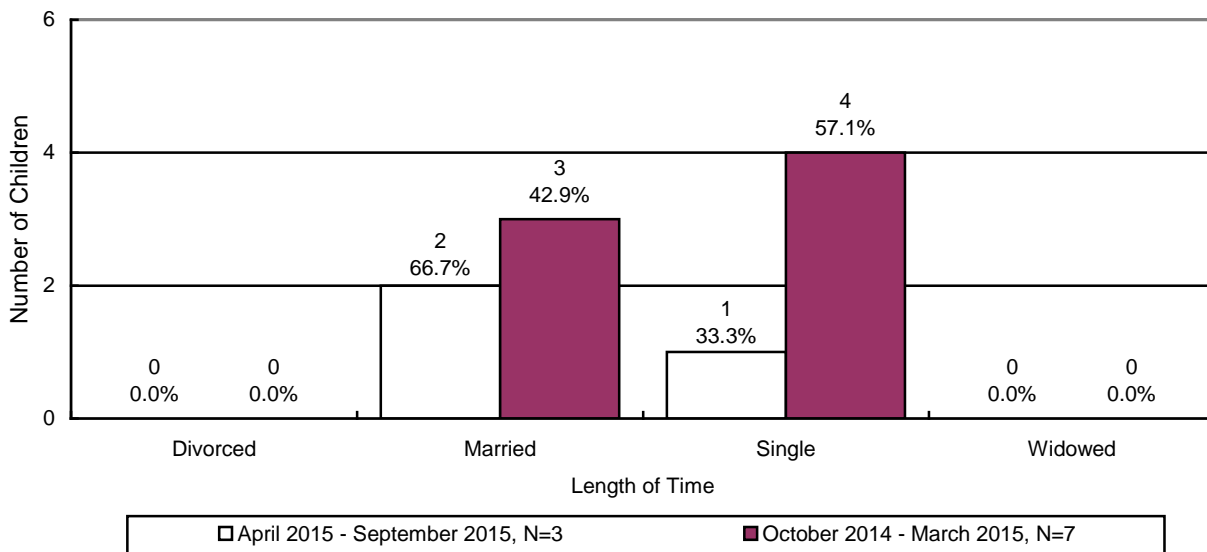
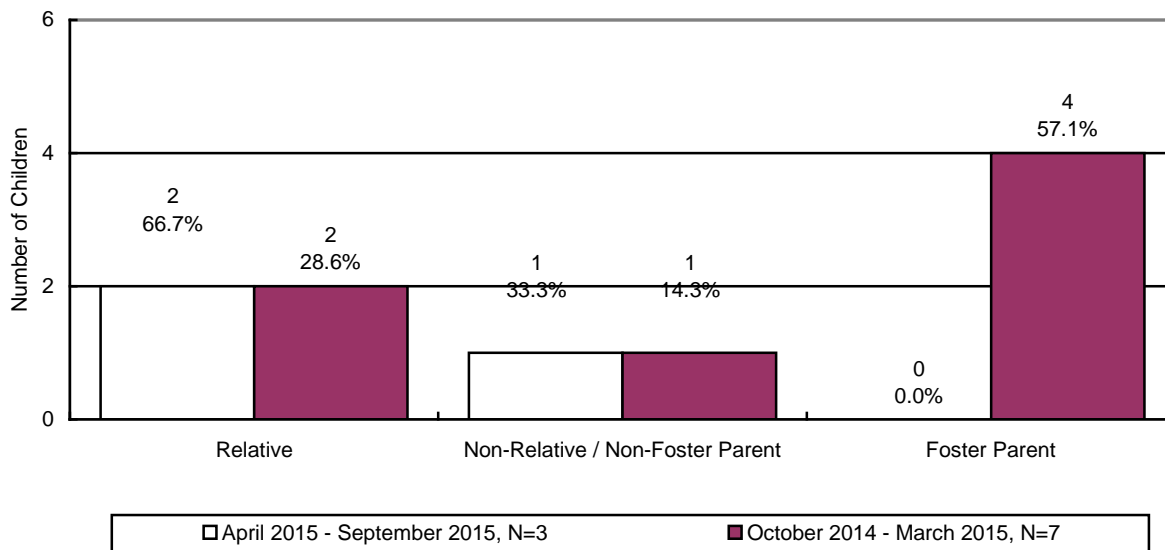


CHART 40
THE NUMBER OF CHILDREN WITH A CASE PLAN GOAL OF ADOPTION WHO WERE IN
AN ADOPTIVE PLACEMENT AND DISRUPTED BY THE RELATIONSHIP OF THE
ADOPTIVE PARENT

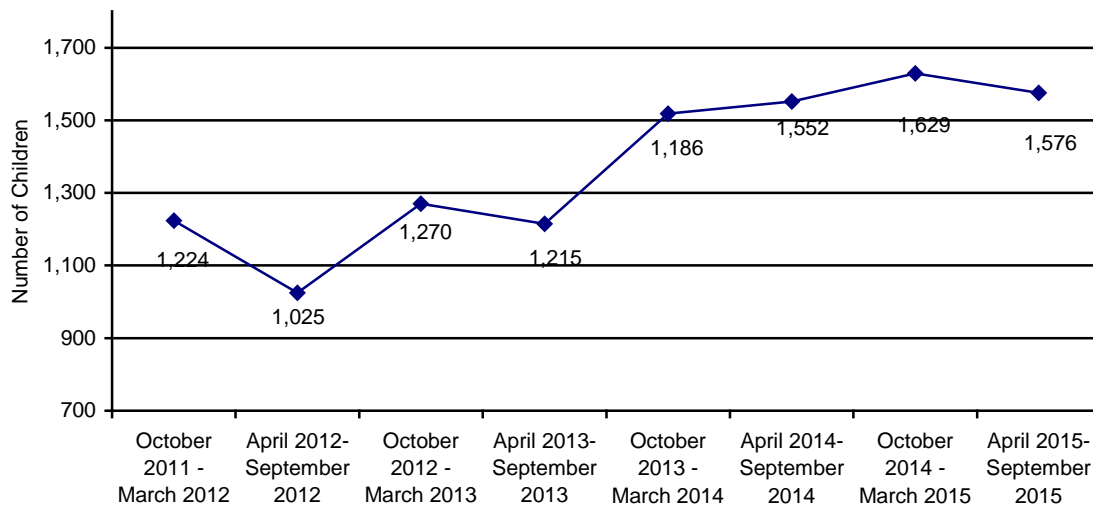


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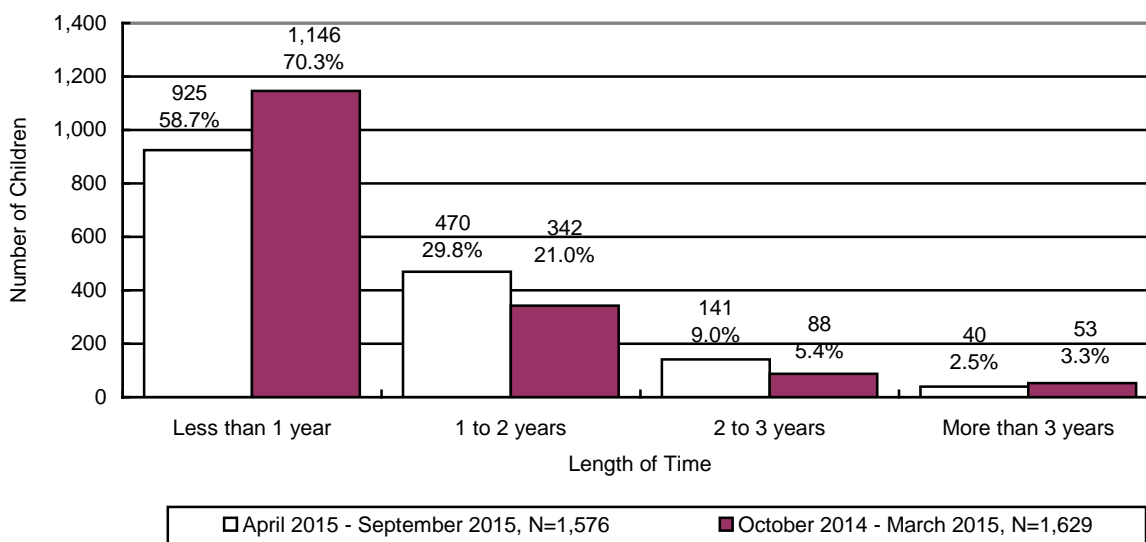
ADOPTIVE SERVICES

CHART 41
THE NUMBER OF CHILDREN WITH A FINALIZED ADOPTION



There were 1,576 children with a finalized adoption during the reporting period. Chart 42 displays the number of children with a finalized adoption during the reporting period by the average length of time in out-of-home placement before adoptive placement.

CHART 42
THE NUMBER AND PERCENTAGE OF CHILDREN WITH A FINALIZED ADOPTION BY AVERAGE LENGTH OF TIME IN OUT-OF-HOME PLACEMENT BEFORE ADOPTIVE PLACEMENT



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The chart below displays the number of children with a finalized adoption by average length of time in adoptive placement before the final order of adoption.

CHART 43
THE NUMBER AND PERCENTAGE OF CHILDREN WITH A FINALIZED ADOPTION BY
AVERAGE LENGTH OF TIME IN ADOPTIVE PLACEMENT BEFORE THE FINAL ORDER
OF ADOPTION

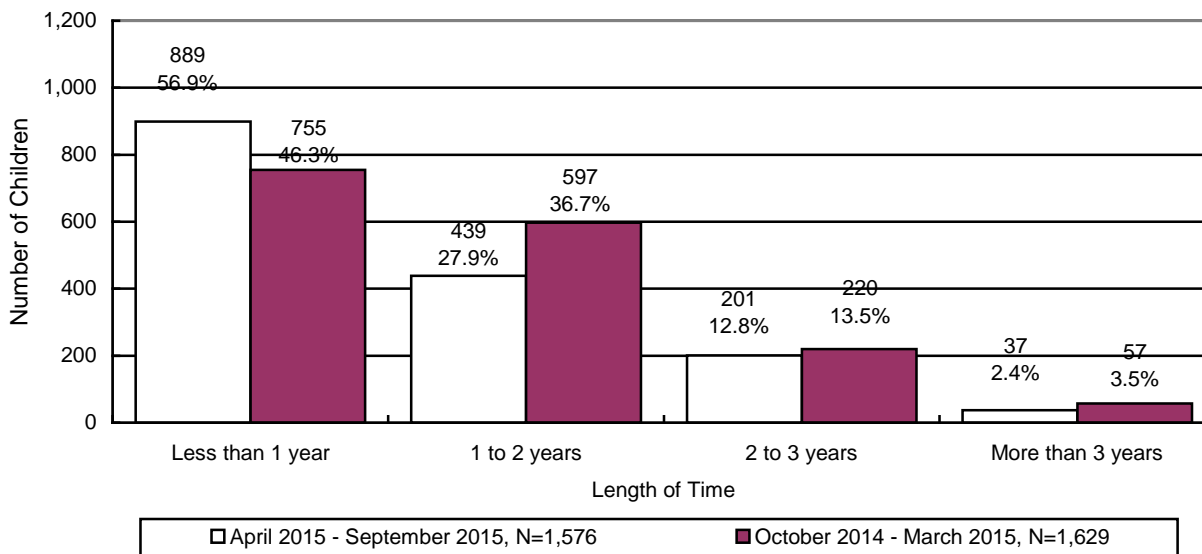
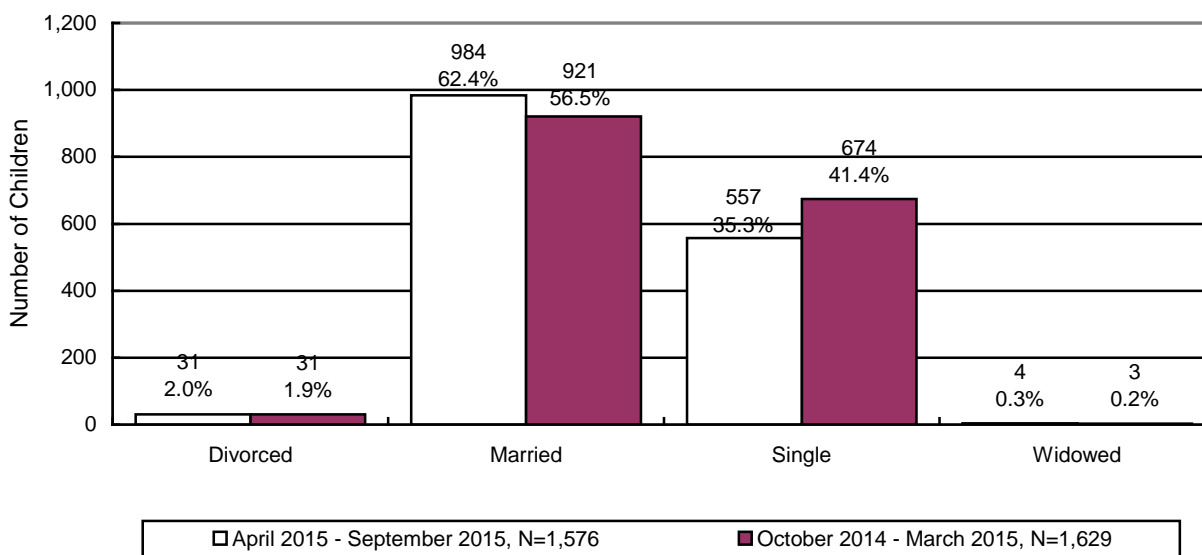


CHART 44
THE NUMBER OF CHILDREN WITH A FINALIZED ADOPTION BY THE MARITAL
STATUS OF THE ADOPTIVE PARENT



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CHART 45
THE NUMBER OF CHILDREN WITH A FINALIZED ADOPTION BY THE RELATIONSHIP
OF THE ADOPTIVE PARENT TO THE CHILD

